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HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1944

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JOURNAL

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THURSDAY, FEBRUARY 3, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort.

The roll was called and the following answered to their names, viz.:

Chas. W. Anderson	Willis Champion	Bernie S. Edlin
Henry Arrowood	Jno. H. Clarke, Jr.	Dr. J. C. Gabbard
F. H. Bassett, Jr.	A. Roy Copeland	Chas. B. Gentry
W. G. Biggers	Marvin Cornett	Franklin Goins
Isaac Blevins	John Henry Cox	J. D. Gross
Douglas T. Bolling	John P. Craig	R. M. (Coke) Hall
J. C. Bradley	Fred Creasey	Jas. P. Hallahan
Chas. W. Burnley	Thos. S. Dawson	Claude Hammons
C. D. Call	Adron Doran	B. C. Holbrook
Fred Carpenter	J. R. Dorman	Benton Howard

Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hammons moved that Master Vernon Rice Seaton be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Quill moved that the Rule governing the time for the convening of the House be suspended and that when the House

adjourn today, it adjourn to meet again on tomorrow at ten o'clock A. M.

Said motion was agreed to.

The Speaker announced that he had referred bills previously introduced or reported to this House as follows, viz.:

COMMITTEE REFERENCES

H. B. No. 212—Alcohol and Leg. Control 1 and 2 Jointly

H. B. No. 213—Cities of the 2nd Class

H. B. No. 214—Alcohol and Leg. Control No. 1

H. B. No. 215—Ways and Means

H. B. No. 216—Ky. Statutes

H. B. No. 217—Ky. Statutes

H. B. No. 218—Immigration and Labor

H. B. No. 219—Fish and Game

H. B. No. 220—Ways and Means

H. B. No. 221—Oil and Minerals

H. B. No. 222—Cities of the 4th Class

H. B. No. 223—Public Health

H. B. No. 224—Fish and Game

H. B. No. 225—Constitutional Amendments

H. B. No. 226—Ky. Statutes

H. B. No. 227—Appropriations

H. B. No. 228—Ways and Means

H. B. No. 229—Mines and Mining

The Standing Committees of the House to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Burnley of the Committee on Ways and Means.

H. B. 203. An Act relating to the District Offices, garages and headquarters of the Department of Highways.

H. B. 205. An Act abolishing the Division of Professional Regulation in the Department of Business Regulation.

H. B. 81. An Act relating to superintendents of County School Districts.

With a Committee amendment thereto.

By Mr. Carpenter of the Committee on Roads and Highways No. 1.

H. B. 173. An Act relating to county road engineers.

With a Committee amendment thereto.

By Mr. Nunn of the Committee on Charitable and Penal Institutions.

S. B. 10. An Act to amend and re-enact Subsec. 4 of Sec. 200.010, Chapter 200 KRS.

By Mr. Newcomb of the Committee on Cities of Fifth Class.

H. B. 34. An Act relating to cemeteries of cities of the fifth class.

With a Committee amendment thereto by way of Substitute therefor.

By Mr. Creasy of the Committee on Public Bridges and Ferries.

H. B. 164. An Act providing for telephones on State Bridges and Ferries.

H. B. 186. An Act relating to toll bridges and ferries.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Quill moved that the House do now recess for thirty minutes.

Said motion was agreed to.

And then the House recessed.

Thirty minutes having expired, the Speaker resumed the Chair and called the House to Order.

Mr. Hall of the Committee on Motor Transportation to which the same had been referred, reported a bill entitled:

H. B. 140. An Act relating to application blanks for motor vehicle licenses.

With a Committee amendment thereto by way of Substitute therefor.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

By Mr. Nabb of the Committee on Roads and Highways No. 2.

H. B. 48. An Act relating to state aid for county roads.

With the expression of opinion that said bill ought not to pass.

No motion having been made to advance said bill to a reading the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bill be not read at length the first time and so said bill was rejected.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 20. An Act requiring all employers to state specifically the amount and the purpose of any deductions from employee's salaries.

With Committee Amendments thereto.

H. B. 168. An Act to provide that a copy of the Ten Commandments be placed in each classroom in each school in the Commonwealth.

H. B. 163. An Act relating to acknowledgment of instruments, etc.

H. B. 162. An Act to provide for the appointment of a conservator under certain circumstances.

H. B. 202. An Act relating to individuals exempt from poll tax.

H. B. 155. An Act relating to assessment for taxation.

H. Res. 28. Resolution authorizing the binding of four copies of the final issue of the 1944 Legislative Digest.

H. B. 4. An Act to provide for an amendment to the Constitution relating to elections.

H. B. 139. An Act relating to contract and common carrier by motor vehicle.

H. B. 185. An Act relating to the investment of trust funds.

H. B. 190. An Act relating to probate law and procedure.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 175. An Act relating to civil service for employees of cities.

With a Committee amendment thereto.

Mr. Wagner moved that said bill be recommitted to the Committee on Cities of the Second Class.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 189. An Act relating to the appointment of a collector of dog licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 258.370 be amended and re-enacted, so that same, as amended and re-enacted, shall read as follows:

Section 258.370. The fiscal court of a county containing a city of the second or third class, upon written request from the sheriff and county tax commissioner of the county, may appoint a collector of dog licenses.

Mr. Hammons offered the following amendment to said bill, viz.:

Amend H. B. 189 on page 1, section 1, line 4 after the word "class" and comma by adding the following words "or a county containing a part of a third class city."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Chas. W. Anderson	Isaac Blevins	C. D. Call
Henry Arrowood	J. C. Bradley	Fred Carpenter
F. H. Bassett, Jr.	Chas. W. Burnley	Willis Champion

Jno. H. Clarke, Jr.	G. M. Knuckles	H. G. Royalty
A. Roy Copeland	J. T. Linton	Amos Runyon
Marvin Cornett	Homer E. Losey	Carl Scheben
John Henry Cox	A. L. Love	F. W. Schuhmann
John P. Craig	Pearl McKinney	Vernon Seaton
Fred Creasey	Ed Marcum	Leon J. Shaikun
Thos. S. Dawson	C. C. May	Jno. W. Simmons
Adron Doran	Johnston Miller	Faust Y. Simpson
J. R. Dorman	Harry L. Moore	George T. Smith
Bernie S. Edlin	Herbert V. Moore	Robt. J. Spaulding
Harry W. Ennis	W. B. Moser	E. A. Spencer
Dr. J. C. Gabbard	C. Sid Nabb	Arthur Stallard
Chas. B. Gentry	Jno. C. Newcomb	Geo. W. Steinford
J. D. Gross	Joe E. Nunn	Joe Stewart
R. M. Hall	H. C. Patterson	Thos. M. Swope
Jas. P. Hallahan	Chester Peterson	C. W. Taylor
Claude Hammons	Albert W. Pfeiffer	Egbert V. Taylor
B. C. Holbrook	Sylvester Phillips	Roy L. Taylor
Benton Howard	James T. Philpott	H. Thieman, Jr.
Clyde S. Howard	J. Gip Prather	E. B. Thompson
Jerry F. Howell	L. W. Preston	John L. Trumbo
W. N. Hughes	Kleber F. Price	S. J. Wagner
W. H. Hunt	Edw. P. Prichard	Harry F. Walters
Lee Johnson	James E. Quill	R. E. West
Paul S. Jonas	C. R. Reeves	Taylor Witt
Wm. E. Justice	L. Allen Rhoads	
M. Kavanaugh	Wade H. Riley	—88

Those voting in the negative were—

Franklin Goins	L. D. Moore	Coy C. Nevitt
H. Clay Kauffman		—4

Resolved that the title thereof be as aforesaid.

Mr. Clark moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 191. An Act relating to the classification of cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 81.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Cities are classified as follows:

(1) First class:

Louisville, Jefferson County

(2) Second class:

Ashland, Boyd County
Covington, Kenton County
Lexington, Fayette County
Newport, Campbell County
Owensboro, Daviess County
Paducah, McCracken County

(3) Third class:

Bowling Green, Warren County
Corbin, Whitley and Knox Counties
Frankfort, Franklin County
Henderson, Henderson County
Hopkinsville, Christian County
Maysville, Mason County
Middlesboro, Bell County

(4) Fourth class:

Barbourville, Knox County

Bellevue, Campbell County
Carrollton, Carroll County
Catlettsburg, Boyd County
Central City, Muhlenberg County
Cynthiana, Harrison County
Danville, Boyle County
Dayton, Campbell County
Earlington, Hopkins County
Elizabethtown, Hardin County
Fort Thomas, Campbell County
Franklin, Simpson County
Fulton, Fulton County
Georgetown, Scott County
Greenville, Muhlenberg County
Harlan, Harlan County
Harrodsburg, Mercer County
Hazard, Perry County
Hickman, Fulton County
Irvine, Estill County
Jackson, Breathitt County
Lawrenceburg, Anderson County
Lebanon, Marion County
Ludlow, Kenton County
Madisonville, Hopkins County
Marion, Crittenden County
Mayfield, Graves County
Morganfield, Union County
Mount Sterling, Montgomery County
Murray, Calloway County
Nicholasville, Jessamine County
Olive Hill, Carter County
Paintsville, Johnson County
Paris, Bourbon County
Pikeville, Pike County
Pineville, Bell County
Prestonsburg, Floyd County

Princeton, Caldwell County
Providence, Webster County
Richmond, Madison County
Russell, Greenup County
Russellville, Logan County
Scottsville, Allen County
Shelbyville, Shelby County
Somerset, Pulaski County
Sturgis, Union County
Versailles, Woodford County
Williamsburg, Whitley County
Winchester, Clark County

(5) Fifth class:

Albany, Clinton County
Augusta, Bracken County
Bardstown, Nelson County
Bardwell, Carlisle County
Beattyville, Lee County
Beaver Dam, Ohio County
Benton, Marshall County
Berea, Madison County
Brooksville, Bracken County
Burkesville, Cumberland County
Burnside, Pulaski County
Cadiz, Trigg County
Calhoun, McLean County
Campbellsville, Taylor County
Carlisle, Nicholas County
Clay, Webster County
Clinton, Hickman County
Cloverport, Breckinridge County
Columbia, Adair County
Columbus, Hickman County
Corydon, Henderson County
Cumberland, Harlan County

Dawson Springs, Hopkins County
Drakesboro, Muhlenberg County
Eddyville, Lyon County
Elkhorn City, Pike County
Elkton, Todd County
Eminence, Henry County
Evarts, Harlan County
Falmouth, Pendleton County
Flemingsburg, Fleming County
Glasgow, Barren County
Grand River, Livingston County
Grayson, Carter County
Greenup, Greenup County
Guthrie, Todd County
Hartford, Ohio County
Hawesville, Hancock County
Hellier, Pike County
Horse Cave, Hart County
Hustonville, Lincoln County
La Grange, Oldham County
Lancaster, Garrard County
Leitchfield, Grayson County
Livermore, McLean County
London, Laurel County
Louisa, Lawrence County
Manchester, Clay County
Midway, Woodford County
Millersburg, Bourbon County
Monticello, Wayne County
Morehead, Rowan County
Morton's Gap, Hopkins County
Neon, Letcher County
Nortonsville, Hopkins County
Owenton, Owen County
Owingsville, Bath County
Park Hills, Kenton County

Perryville, Boyle County
Raceland, Greenup County
Ravenna, Estill County
Salyersville, Magoffin County
Sebree, Webster County
Shively, Jefferson County
Southgate, Campbell County
Springfield, Washington County
Stanford, Lincoln County
Tompkinsville, Monroe County
Uniontown, Union County
Vanceburg, Lewis County
Vine Grove, Hardin County
Warsaw, Gallatin County
Whitesburg, Letcher County
Wickliffe, Ballard County
Williamstown, Grant County
Wilmore, Jessamine County

(6) All other incorporated cities belong to the sixth class.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Chas. W. Anderson	Chas. W. Burnley	Marvin Cornett
Henry Arrowood	C. D. Call	John Henry Cox
F. H. Bassett, Jr.	Fred Carpenter	John P. Craig
W. G. Biggers	Willis Champion	Fred Creasey
Isaac Blevins	Jno. H. Clarke, Jr.	Thos. S. Dawson
J. C. Bradley	A. Roy Copeland	Adron Doran

J. R. Dorman	Pearl McKinney	H. G. Royalty
Bernie S. Edlin	Ed Marcum	Amos Runyon
Harry W. Ennis	C. C. May	Carl Scheben
Dr. J. C. Gabbard	Johnston Miller	F. W. Schuhmann
Chas. B. Gentry	Harry L. Moore	Vernon Seaton
Franklin Goins	Herbert V. Moore	Leon J. Shaikun
J. D. Gross	L. D. Moore	Jno. W. Simmons
R. M. Hall	W. B. Moser	Faust Y. Simpson
Jas. P. Hallahan	C. Sid Nabb	George T. Smith
Claude Hammons	Coy C. Nevitt	Robt. J. Spaulding
B. C. Holbrook	Jno. C. Newcomb	E. A. Spencer
Benton Howard	Joe E. Nunn	Arthur Stallard
Clyde S. Howard	H. C. Patterson	Geo. W. Steinford
Jerry F. Howell	Chester Peterson	Joe Stewart
W. N. Hughes	Albert W. Pfeiffer	Thos. M. Swope
W. H. Hunt	Sylvester Phillips	C. W. Taylor
Lee Johnson	James T. Philpott	Egbert V. Taylor
Paul S. Jonas	J. Gip Prather	Roy L. Taylor
Wm. E. Justice	L. W. Preston	H. Thieman, Jr.
H. Clay Kauffman	Kleber F. Price	E. B. Thompson
M. Kavanaugh	Edw. P. Prichard	John L. Trumbo
G. M. Knuckles	James E. Quill	S. J. Wagner
J. T. Linton	C. R. Reeves	R. E. West
Homer E. Losey	L. Allen Rhoads	Taylor Witt
A. L. Love	Wade H. Riley	—92

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 148. An Act relating to teachers' tenure.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 161.720 to and including 161.810, Kentucky Revised Statutes, be and the same are hereby repealed and re-enacted so that when repealed and re-enacted they shall read as follows:

161.720 Definitions For Teachers' Tenure Law.—(1) The term "teacher" for the purpose of this Act shall mean any person for whom certification is required as a basis of employment in the public schools of the state with the exception of the superintendent.

(2) The term "year" as applied to terms of service means actual service of not less than seven school months within a school year, provided, however, that any board of education may grant a leave of absence for professional advancement with full credit for service.

(3) The term "limited contract" shall mean a contract for the employment of a teacher for a term of four years or less.

(4) The term "continuing service contract" shall mean a contract for the employment of a teacher which shall remain in full force and effect until the teacher resigns or retires or until it is terminated or suspended as provided in KRS 161.790 and 161.800.

(5) The term "continuing status" means employment of a teacher under a continuing contract.

(6) The term "standard" or "college" certificate for the purpose of this act shall mean any certificate issued upon the basis of graduation from a standard four-year college.

161.721. The superintendent shall be eligible for continuing contract status when he meets all requirements prescribed in this act for continuing contracts for teachers.

161.730. Limited or Continuing Contracts With Teachers Required.—Each board of education shall enter into either limited or continuing contracts for the employment of all teachers.

161.740. Eligibility For Continuing Service Status; Reemployment of Those Eligible:

Continuing Contracts for Present Teachers; Reinstatement After War Service. (1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:

(a) Hold a Standard or College Certificate as defined in Section 161.720.

(b) Have taught four years in the district.

(c) Have served two years in the district after they have attained continuing contract status elsewhere. Upon the recommendation of the superintendent the board of education may at the time of the employment or at any time within such two year period declare any of the latter teachers eligible.

(2) A teacher eligible for continuing service status shall be reemployed and a continuing contract shall be entered into between the board of education and such teacher upon the recommendation of the superintendent unless the board by a four-fifth vote of its full membership rejects the continuing contract of the teacher recommended. However, the superintendent may recommend employment of such teacher, under a limited contract, for not to exceed two years but upon subsequent reemployment only a continuing contract may be entered into.

(3) Any teacher or superintendent who has been or may be hereafter inducted into the Armed Forces of this country for service in the present war, shall at the expiration of such service be reemployed or reinstated in his or her former position as of the beginning of the next school year provided application is made at least thirty days before the opening of school, unless physically or mentally incapacitated. Any teacher or superintendent desiring reinstatement in his or her former position shall file application for same with the board of education within a period of sixty days immediately following discharge from the Armed Forces of the country. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under limited contracts only.

161.750. Limited Contracts; When to be Entered Into; Reemployment on Expiration:

Period of Contract.—(1) A limited contract may be entered into by each board of education with each teacher who has not been in the employ of the board for at least four years and shall be entered into, regardless of length of previous employment, with each teacher employed by the board who does not hold a Standard or College Certificate.

(2) Any teacher employed under a limited contract and ineligible for a continuing contract shall at the expiration of such limited contract be deemed reemployed under the provisions of KRS 161.720 to 161.810 for the succeeding school year at the same salary plus any increment or decrease as provided by the salary schedule unless the employing board shall give such teacher written notice on or before the thirty-first day of March of its intention not to reemploy him. Such teacher shall be presumed to have accepted such employment unless he shall notify the board of education in writing to the contrary on or before the first day of May, and a contract for

the succeeding year shall be executed accordingly. Provided, however, that:

(a) Beginning teachers, who have not been previously employed as a teacher in any school, shall be employed for one year only.

(b) New teachers who have had at least one year's experience as teacher in other schools may be employed from one to three years at the discretion of the board of education.

(c) Upon reemployment after the termination of the first contract and subsequent contracts the new contract may be for not less than two years nor more than four years at the discretion of the board.

161.760. Salaries of Teachers; Notice of; Increase or Reduction: Each board of education shall cause notice to be given annually not later than August 1 to each teacher who holds a contract valid for the succeeding school year stating the best estimate as to the salary to be paid such teacher during such year. Such salary shall not be lower than the salary paid during the preceding school year unless such reduction be a part of a uniform plan affecting the entire district. But nothing herein shall prevent increases of salary after the board's annual notice has been given.

161.770. Leaves of Absence.—Upon written request of a teacher or superintendent, a board of education may grant a leave of absence for a period of not more than two consecutive school years for educational or professional purposes, and shall grant such leave where illness, maternity or other disability is the reason for the request. Upon subsequent request, such leave may be renewed by the board. Without request, a board of education may grant similar leave of absence and renewals thereof to any teacher or superintendent because of physical or mental disability, but such teacher or superintendent shall have the right to a hearing on such un-

requested leave of absence or its renewal in accordance with the provisions for hearing an appeal in KRS 161.790. Upon the return to service of a teacher or superintendent at the expiration of a leave of absence, he shall resume the contract status which he held prior to such leave.

161.780. Termination of Contract by Teacher. No teacher or superintendent shall be permitted to terminate his contract within thirty days prior to the beginning of his school term without the consent of the board; any such teacher or superintendent shall be permitted to terminate his contract at any other time when schools are not in session by giving five days' written notice to the employing board of education. Upon complaint by the employing board to the State Superintendent of public instruction and after investigation by him, the certificate of a teacher or superintendent terminating his contract in any other manner than provided in this section may be suspended for not more than one year.

161.790. Termination of Contract by Board; Channels for; Procedure; Suspension Pending Trial; Appeal.—(1) The contract of a teacher shall remain in force during good behavior and efficient and competent service by the teacher and shall not be terminated except for any of the following causes:

(a) Insubordination, immoral character or conduct unbecoming a teacher;

(b) Inefficiency, incompetency, physical or mental disability or neglect of duty.

Marriage of a teacher shall not be cause for termination of the contract.

(2) No contract shall be terminated except upon recommendation of superintendent and unless the teacher is furnished with a written statement, specifying in detail the charge

or charges against said teacher, signed by the proper officer of the board of education and naming a date and place at which the teacher may appear before the board of education and answer said charge or charges. Said date for the hearing shall not be less than twenty nor more than thirty days after the service of such charges upon the teacher. The teacher shall within ten days after the receipt of the written statement of such charges notify the board of education of his intention to appear and answer such charges, and upon failure of the teacher to give such notice the board of education may dismiss the teacher by a majority vote and such dismissal shall be final.

(3) Upon receipt of the teacher's notice of intention to appear and answer such charges the board of education shall issue such subpoenas as shall be necessary for the determination of the issues involved. The issues shall be heard at the time and place set and the hearing shall be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before an officer of the board of education. The board of education shall provide for a stenographic report of the proceedings and furnish the teacher with a copy. Upon completion of both sides of the case the board of education may by a majority vote dismiss the teacher or may defer its action for not more than five days.

(4) The board of education may, on recommendation of the superintendent, suspend a teacher pending final action to terminate his contract if, in its judgment, the character of the charges warrants such action. If after the hearing the decision of the board is against termination of the contract, the suspended teacher shall be paid his full salary for the period of such suspension.

(5) The teacher shall have a right to make an appeal

both as to law and as to fact to the circuit court. If said appeal is not made within thirty days after dismissal, then the decision of the board of education shall be final. Such appeal shall be an original action in said court and shall be commenced by the filing of a petition against such board of education, in which petition the facts shall be alleged upon which the teacher relies for a reversal or modification of the order of termination of contract. Upon service or waiver of summons in said appeal, such board of education shall forthwith transmit to the clerk of said court for filing a transcript of the original notice of charges and a transcript of all evidence adduced at the hearing before such board, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing before the board of education and shall hold such additional hearings as it may deem advisable, at which it may consider other evidence in addition to such transcript and record. Upon final hearing, the court shall grant or deny the relief prayed for in the petition as may be proper under the provisions of KRS 161.720 to 161.810 and in accordance with the evidence adduced at the hearing. Either the teacher or the board of education may appeal from the action of the court to the Court of Appeals.

"161.800. *Suspension of Contracts on Reducing Number of Teachers.*—When by reason of decreased enrollment of pupils, or by reason of suspension of schools or territorial changes affecting the district, a board of education decides that it will be necessary to reduce the number of teachers, it shall have full authority to make reasonable reduction. But, in making such reduction, the board shall proceed to suspend contracts in accordance with the recommendation of the superintendent of schools who shall, within each teaching field affected, give preference to teachers on continuing contracts and to teachers who have greater seniority. Teachers whose continuing contracts are suspended shall have the right of

restoration in continuing service status in the order of seniority of service in the district if and when teaching positions become vacant or are created for which any of such teachers are or become qualified.

161.810. Continuance of Status in Case of Annexation or Consolidation Schools.—If an entire school district or that part of a school district which comprises the territory in which a school or schools are situated is transferred to any other district, or if the schools in an independent or county school district are consolidated or centralized, the teachers in such consolidated or centralized schools employed on continuing contracts immediately prior to such transfer, consolidation, or centralization shall, subject to the limitations imposed by KRS 161.800, have continuing service status in the newly centralized or consolidated school, or in the district to which the territory is transferred.

Mr. Doran moved the Previous Question.

Mr. Preston moved that said bill be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Doran and Preston, were as follows, viz.:

Those voting in the affirmative were—

Coy C. Nevitt	Joe Stewart	Egbert V. Taylor
L. W. Preston		—4

Those voting in the negative were—

Chas. W. Anderson	Isaac Blevins	C. D. Call
Henry Arrowood	Douglas T. Bolling	Fred Carpenter
F. H. Bassett, Jr.	J. C. Bradley	Willis Champion
W. G. Biggers	Chas. W. Burnley	Jno. H. Clarke, Jr.

A. Roy Copeland	H. Clay Kauffman	C. R. Reeves
Marvin Cornett	M. Kavanaugh	L. Allen Rhoads
John Henry Cox	G. M. Knuckles	Wade H. Riley
John P. Craig	J. T. Linton	H. G. Royalty
Fred Creasey	Homer E. Losey	Amos Runyon
Thos. S. Dawson	A. L. Love	Carl Scheben
Adron Doran	Pearl McKinney	F. W. Schuhmann
J. R. Dorman	Ed Marcum	Vernon Seaton
Bernie S. Edlin	C. C. May	Leon J. Shaikun
Harry W. Ennis	Johnston Miller	Jno. W. Simmons
Dr. J. C. Gabbard	Harry L. Moore	Faust Y. Simpson
Chas. B. Gentry	Herbert V. Moore	George T. Smith
Franklin Goins	L. D. Moore	Robt. J. Spaulding
J. D. Gross	W. B. Moser	E. A. Spencer
R. M. Hall	C. Sid Nabb	Arthur Stallard
Jas. P. Hallahan	Jno. C. Newcomb	Geo. W. Steinford
Claude Hammons	Joe E. Nunn	Thos. M. Swope
B. C. Holbrook	H. C. Patterson	C. W. Taylor
Benton Howard	Chester Peterson	Roy L. Taylor
Clyde S. Howard	Albert W. Pfeiffer	H. Thieman, Jr.
Jerry F. Howell	Sylvester Phillips	Otis C. Thomas
W. N. Hughes	James T. Philpott	John L. Trumbo
W. H. Hunt	J. Gip Prather	S. J. Wagner
Lee Johnson	Kleber F. Price	Harry F. Walters
Paul S. Jonas	Edw. P. Prichard	R. E. West
Wm. E. Justice	James E. Quill	Taylor Witt

—90

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Hammons moved that the vote by which the Previous Question was ordered, be reconsidered.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Hammons and Scheben, were as follows, viz.:

Those voting in the affirmative were—

Chas. W. Anderson	H. Clay Kauffman	Carl Scheben
Henry Arrowood	M. Kavanaugh	Vernon Seaton
Willis Champion	G. M. Knuckles	George T. Smith
Jno. H. Clarke, Jr.	J. T. Linton	Robt. J. Spaulding
Marvin Cornett	Harry L. Moore	Joe Stewart
Bernie S. Edlin	Coy C. Nevitt	Thos. M. Swope
Dr. J. C. Gabbard	Joe E. Nunn	C. W. Taylor
Chas. B. Gentry	Sylvester Phillips	Egbert V. Taylor
J. D. Gross	James T. Philpott	H. Thieman, Jr.
Jas. P. Hallahan	J. Gip Prather	John L. Trumbo
Claude Hammons	L. W. Preston	R. E. West
Wm. E. Justice	Kleber F. Price	—35

Those voting in the negative were—

F. H. Bassett, Jr.	R. M. Hall	L. D. Moore
W. G. Biggers	B. C. Holbrook	W. B. Moser
Isaac Blevins	Benton Howard	C. Sid Nabb
Douglas T. Bolling	Clyde S. Howard	Jno. C. Newcomb
J. C. Bradley	Jerry F. Howell	H. C. Patterson
Chas. W. Burnley	J. J. Huff	Chester Peterson
C. D. Call	W. N. Hughes	Edw. P. Prichard
Fred Carpenter	W. H. Hunt	James E. Quill
A. Roy Copeland	Lee Johnson	C. R. Reeves
John Henry Cox	Paul S. Jonas	L. Allen Rhoads
John P. Craig	Homer E. Losey	Wade H. Riley
Fred Creasey	A. L. Love	H. G. Royalty
Thos. S. Dawson	Pearl McKinney	Amos Runyon
Adron Doran	Ed Marcum	F. W. Schuhmann
J. R. Dorman	C. C. May	Leon J. Shaikun
Harry W. Ennis	Johnston Miller	Jno. W. Simmons
Franklin Goins	Herbert V. Moore	Faust Y. Simpson

Arthur Stallard	S. J. Wagner	Speaker Harry
Geo. W. Steinford	Harry F. Walters	Lee Waterfield
Roy L. Taylor	Taylor Witt	—58

Mr. Preston moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Preston and Kauffman, were as follows, viz.:

Those voting in the affirmative were—

Jas. P. Hallahan	L. W. Preston	Joe Stewart
H. Clay Kauffman		—4

Those voting in the negative were—

Chas. W. Anderson	Dr. J. C. Gabbard	Ed Marcum
Henry Arrowood	J. D. Gross	C. C. May
F. H. Bassett, Jr.	R. M. Hall	Johnston Miller
W. G. Biggers	Claude Hammons	Harry L. Moore
Isaac Blevins	B. C. Holbrook	Herbert V. Moore
Chas. W. Burnley	Benton Howard	L. D. Moore
C. D. Call	Clyde S. Howard	W. B. Moser
Fred Carpenter	Jerry F. Howell	C. Sid Nabb
Willis Champion	J. J. Huff	Jno. C. Newcomb
Jno. H. Clarke, Jr.	W. N. Hughes	Joe E. Nunn
A. Roy Copeland	W. H. Hunt	H. C. Patterson
Marvin Cornett	Lee Johnson	Chester Peterson
John Henry Cox	Paul S. Jonas	Albert W. Pfeiffer
John P. Craig	Wm. E. Justice	Sylvester Phillips
Fred Creasey	M. Kavanaugh	James T. Philpott
Thos. S. Dawson	G. M. Knuckles	J. Gip Prather
Adron Doran	J. T. Linton	Kleber F. Price
J. R. Dorman	Homer E. Losey	Edw. P. Prichard
Bernie S. Edlin	A. L. Love	James E. Quill
Harry W. Ennis	Pearl McKinney	C. R. Reeves

L. Allen Rhoads	Faust Y. Simpson	H. Thieman, Jr.
Wade H. Riley	George T. Smith	E. B. Thompson
H. G. Royalty	Robt. J. Spaulding	John L. Trumbo
Amos Runyon	E. A. Spencer	S. J. Wagner
Carl Scheben	Arthur Stallard	Harry F. Walters
F. W. Schuhmann	Thos. M. Swope	R. E. West
Vernon Seaton	C. W. Taylor	Taylor Witt
Leon J. Shaikun	Egbert V. Taylor	
Jno. W. Simmons	Roy L. Taylor	—85

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Chas. W. Anderson	Fred Creasey	J. J. Huff
Henry Arrowood	Thos. S. Dawson	W. N. Hughes
F. H. Bassett, Jr.	Adron Doran	W. H. Hunt
W. G. Biggers	J. R. Dorman	Lee Johnson
Isaac Blevins	Bernie S. Edlin	Paul S. Jonas
Douglas T. Bolling	Harry W. Ennis	Wm. E. Justice
J. C. Bradley	Dr. J. C. Gabbard	H. Clay Kauffman
Chas. W. Burnley	Chas. B. Gentry	M. Kavanaugh
C. D. Call	Franklin Goins	G. M. Knuckles
Fred Carpenter	J. D. Gross	J. T. Linton
Willis Champion	R. M. Hall	Homer E. Losey
Jno. H. Clarke, Jr.	Jas. P. Hallahan	A. L. Love
A. Roy Copeland	B. C. Holbrook	Pearl McKinney
Marvin Cornett	Benton Howard	Ed Marcum
John Henry Cox	Clyde S. Howard	C. C. May
John P. Craig	Jerry F. Howell	Johnston Miller

Harry L. Moore	James E. Quill	Geo. W. Steinford
Herbert V. Moore	C. R. Reeves	Joe Stewart
L. D. Moore	L. Allen Rhoads	Thos. M. Swope
W. B. Moser	Wade H. Riley	C. W. Taylor
C. Sid Nabb	H. G. Royalty	Egbert V. Taylor
Jno. C. Newcomb	Amos Runyon	Roy L. Taylor
Joe E. Nunn	Carl Scheben	H. Thieman, Jr.
H. C. Patterson	F. W. Schuhmann	E. B. Thompson
Chester Peterson	Vernon Seaton	John L. Trumbo
Albert W. Pfeiffer	Leon J. Shaikun	S. J. Wagner
Sylvester Phillips	Jno. W. Simmons	Harry F. Walters
James T. Philpott	Faust Y. Simpson	R. E. West
J. Gip Prather	George T. Smith	Taylor Witt
L. W. Preston	Robt. J. Spaulding	Speaker Harry
Kleber F. Price	E. A. Spencer	Lee Waterfield
Edw. P. Prichard	Arthur Stallard	—94

Those voting in the negative were—

Coy C. Nevitt —1

Resolved that the title thereof be as aforesaid.

Mr. Doran moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Without objection, the following bills were introduced, viz.:

By Mr. Philpott.

H. B. 230. An Act relating to certification of teachers in the common schools.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. An elementary teacher's certificate, valid for three years and for use in any elementary school in this state, shall be issued to any person who has completed a curriculum of ninety-six (96) term hours for the training of elementary teachers in a standard college or university, which curriculum meets the minimum standards prescribed by the State Board of Education for the issuance of such certificate. The certificate may be reissued or renewed after two years teaching experience during the life of the certificate, or upon the presentation of twenty-four (24) term hours of additional standard college or university work earned during the life of the certificate and prescribed in the same manner as for original issue, and may be renewed thereafter upon the presentation of twenty-four (24) term hours of additional standard college or university work earned during the life of the certificate and prescribed in the same manner as for the original issue.

2. A high school certificate, valid in any public school of the state, shall be issued to any person who is a graduate of a standard four year college or university. After teaching a period of four years the holder of a high school certificate shall have same extended for life. Such teaching experience need not be consecutive years, and teaching experience prior to the issuance of such certificate shall be counted for this purpose.

By Mr. Scheben.

H. B. 231. An Act relating to guards for safekeeping of prisoners.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 70.610 of the Kentucky Revised Statutes is amended to read as follows:

When the county judge believes that the safekeeping of a prisoner confined in his county under a charge of felony requires that a guard be kept over him, he shall make the order of record to that effect, and direct the number of guards to be summoned, by whom, and under whose control they shall be placed. If the circuit court is in session in the county, the circuit judge shall exercise the power conferred upon the county judge by this section. Each guard so summoned and performing duty shall be allowed five dollars per day, to be paid out of the county treasury.

By Mr. Scheben.

H. B. 232. An Act relating to quarters, food and lodging for jurors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 247 of the Criminal Code of Practice is amended to read as follows:

A suitable room must be provided for the use of the jury on their retirement for deliberation, with suitable furniture, heat, lights and stationery. The sheriff shall furnish suitable food and lodging for the jurors during the time they are kept together, and the expense thereof, not exceeding four dollars per day for each juror, shall be paid by the state, through the circuit court clerk, in the same manner and from the same fund as jurors are paid, upon the sheriff presenting to the circuit court clerk a verified itemized statement of such expense.

By Mr. Riley.

H. B. 233. An Act relating to boxing and wrestling.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 229.080 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any regularly organized post of the American Legion, and any organization operating solely for charitable purposes from which no individual, partnership or corporation derives any monetary gain, may hold boxing or wrestling matches or exhibitions without the payment of the license fee prescribed by KRS 229.070. Any post of the American Legion or other organization holding matches or exhibitions under this section shall be subject to the provisions of KRS 229.090 and 229.100.

By Mr. Philpott.

H. B. 234. An Act relating to the appointment of members of State Board of Health.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 211.040 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a State Board of Health, consisting of nine members, each of whom must be licensed in this state to practice the profession required of him by this section as a qualification for membership. The board shall be a continuation of the board appointed under Chapter 120 of the Acts

of 1920. Eight of the members shall be appointed by the Governor, by and with the advice of the Senate. The Commissioner of Health shall constitute the ninth member. One member shall be a registered pharmacist. Of the other members one shall be a homeopathic, one an electic, and one an osteopathic physician, and the others shall be regular allopathic physicians. If the board elects one of its members as Commissioner of Health, the Governor shall appoint another member to complete the full number of the board. No member of the board shall be a stockholder or member of the faculty or board of trustees of any medical college.

By Mr. Peterson.

H. B. 235. An Act pertaining to redevelopment corporations of cities of first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 99.210 Kentucky Revised Statutes, 1942, is hereby amended and as amended reads:

(1) A redevelopment corporation may, whether before or after the certificates of approval of its development plan required by KRS 99.040 to 99.060 have been issued, acquire real property or secure options in its own name or in the name of nominees to acquire real property, by gift, grant, lease, purchase or otherwise.

(2) Such city may, upon request by a redevelopment corporation and after a certificate of approval of condemnation with respect to the real property in question has been issued pursuant to KRS 99.220, acquire, or obligate itself to acquire, for such redevelopment corporation, any real prop-

erty included in such certificate of approval of condemnation, by condemnation. Real property acquired by such city for a redevelopment corporation shall be conveyed by such city to the redevelopment corporation upon payment to the city of all sums expended or required to be expended by the city in the acquisition of such real property.

(3) In connection with the activities and projects of redevelopment corporation, the city may apply for, receive, and accept grants in aid, gifts, credits, and all other aid and in all forms, whether similar to or dissimilar from those particularly enumerated, from the Federal government, which embraces the United States of America, its agencies and instrumentalities or from the Commonwealth of Kentucky, its agencies and instrumentalities or from both, under such lawful contracts, terms, and conditions, as may be agreed upon.

(4) In order to further the accomplishment of the purposes of this act, and in addition to the powers heretofore or which may hereafter be granted to it, the city may, as an alternate method of acquiring by gift, purchase, or condemnation, and selling and transferring real property to a redevelopment corporation, by ordinance or ordinaces, proceed as follows:

(a) From time to time designate an area within such city as under consideration for development under the provisions of this act and provide for consultation with and aid from any and all city departments, commissions, officers, employees, agencies, and instrumentalities, relating to the initiation of the project.

(b) Apply for and receive gifts, grants, credits, and obtain loans for the accomplishment of each development or developments generally, and obligate such city to supervise the application of such funds for such purpose or purposes, and also accept gifts, grants, conveyances and leaseholds

within such area or areas, and to provide funds, where necessary, to obtain gifts, grants, credits or loans from the Federal government, its agencies and instrumentalities, or from the Commonwealth of Kentucky, its agencies and instrumentalities, or from both or any other agency under such lawful contracts, terms and conditions as may be agreed upon.

(c) Appropriate funds acquired under paragraph (b) or by taxation for the acquisition of all or any part or parts of the property in each area for development under this act by purchase and by condemnation, and for the clearance of all or any part or parts of the property owned by or thus acquired by such city. Such condemnation shall be under the provisions of this act, but the city may waive request for condemnation or deposit or obligation to furnish the funds, as set out in KRS 99.230.

(d) Advertise for the submission of development plans for such designated area by a redevelopment corporation under the provision of this act, application therefor to be accompained by a bid for such lands and estates therein as the city owns or may obligate itself to purchase, or otherwise acquire and lease, sublease, sell, or convey to the redevelopment corporation, provided a plan is submitted and is finally accepted and approved under the provisions of this act. If more than one plan and bid is submitted for any one project thus advertised, then the plan and bid that together would prove most beneficial to the city in accomplishing the purposes of this act shall be submitted for approval under the terms of this act, but the city may reject any and all applications, bids and plans. Said city shall be the sole judge as to which plan is the most beneficial. Such advertisement shall clearly describe the area under consideration for development, the part or parts thereof owned by the city or which it will acquire, and the estates in each parcel that is being offered for sale, the terms and conditions, and shall be published in a newspaper

of general circulation in conformity with the advertising of judicial sale of lands.

(e) The terms of the bid for such land or lands or leaseholds may be for all cash, or part cash and part on time, or all on time, with or without interest, and with or without lien retained. Any term of payment shall not be for a period exceeding five years from date of completion of the project.

(f) As a further inducement, the terms of the bid may provide for a discount not exceeding 10% a year on such bid for each year, not exceeding five, in event the development during each year is in accordance with the development plan.

Section 2. Section 99.080 Kentucky Revised Statutes, 1942, is hereby amended and as amended reads:

The planning commission and the supervising agency may each adopt a schedule of fees to be paid said commission or said agency, as the case may be, upon the filing of the development plan, amendments thereto and other instruments in connection therewith. The amount of these fees shall not exceed the reasonable cost of the examining, inspectional and supervisory services required under KRS 99.010 to 99.310.

An area may be developed by one redevelopment corporation, or an area may be divided into two or more development areas, each to be developed by a different redevelopment corporation, as the planning commission and supervising agency may direct, having due regard to all factors, including but not limited to planning and zoning laws rules and regulations, the environment of the area and redevelopment area, the public safety, health, morals, and general welfare, and the interests of the development corporations,—to the end that the purposes of the act may be best accomplished; but if the planning commission and the supervising agency are unable to agree thereupon, the local legislative body shall by resolution determine the matter.

Section 3. Should any section, sub-section, paragraph, sentence, clause, or phrase, of this act be declared unconstitutional or invalid, for any reason, the remainder of this act shall not be affected thereby.

By Mr. Shaikun.

H. B. 236. An Act authorizing cities of the first class to regulate parking of motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 93.352 of Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

Any city of the first class shall have and may exercise all powers necessary or convenient to carry out the purpose of this act, which is hereby declared to be the acquisition, creation, and operation in any manner hereinafter provided, under public regulation, or public off-street parking facilities in any such city as a necessary incident to insuring in the public interest the free circulation of traffic in, through and from such city. Such powers shall include, but shall not be limited to the powers enumerated in the following paragraphs (a) to (k) inclusive:

(a) The power to purchase in the manner prescribed in Kentucky Revised Statutes 83.300, and acquire by gift, bequest, devise, or grant, real property, or any interest therein, in any area of any such city in which the Director of Works in such city, subject to the approval of the legislative body of such city, shall have made a determination that public parking facilities are therein required, and to hold, use, and dispose of same in the manner prescribed by law.

(b) The power to condemn, in the manner prescribed in Kentucky Revised Statutes 93.100, real property, or any in-

terest therein in any area of any such city in which the Director of Works in such city, subject to the approval of the legislative body of such city, shall have made a determination that public parking facilities are therein required, and hold, use, or dispose of same in the manner provided by law.

(c) The power to clear and improve, in the manner provided by law, any property acquired under this act, and to construct or cause to be constructed thereon such structures and equipment suitable for parking facilities, as the Director of Works, subject to the approval of the legislative body of such city, shall have determined to be necessary.

(d) The power to maintain and operate for parking by the public, of vehicles, any property, or interest in property, constructed or acquired under this act.

(e) The power to contract with any corporation, firm, individual, or association, private or public, subject to the provisions of this act, for the operation as a public parking facility of any property, or interest in property, constructed or acquired under this act, for such period as the Director of Works, subject to the approval of the legislative body of such city, shall determine.

(f) The power to lease to any corporation, firm, individual or association, private or public, subject to the provision of this act, for the operation thereof as a public parking facility, any property, or interest in property, constructed or acquired under this act, for such period as the Director of Works, subject to the approval of the legislative body of such city shall determine.

(g) The power to sell, exchange, transfer, or assign, any property, real or personal, or any interest therein, constructed or acquired under this act, whether or not improved, and which the Director of Works, subject to the approval of the legislative body of such city, shall have determined to be

no longer necessary or required for the proper achievement of the purposes of this act; provided however, the City may through the Director of Works subject to the approval of the legislative body of the city, lease such property or any part thereof for use for commercial purposes that may be in aid of the operation of Off-Street parking facilities under this act.

(h) The power to lease for commercial purposes any part of said property which the City, through the Director of Works, with the approval of the legislative body of the City, shall have determined to be no longer required, or not at that time required, for the proper achievement of the purposes of this Act.

(i) The power to establish and revise from time to time, schedules of rates to be charged for the use of such public parking facilities operated under this act, and to establish, extend, revise, and rescind regulations in regard to the use, operation, and occupancy of any property or interst therein, constructed or acquired under this act, to the end that the maintenance, operation, use, and charge for the use of all such property shall be subject to public regulation. The Director of Works, subject to the provisions of this act and subject to the approval of the legislative body of such city, shall establish, extend, revise, and received, such schedules and regulations.

(j) The power to engage in or contract for the construction, reconstruction, alteration, repair, and maintenance, of any public parking facilities operated or to be operated under this act, as the Director of Works, subject to the approval of the city legislative body of such city, shall determine.

(k) The power to adopt suitable ordinances (i) defining particular areas within the City to be served by and for which off-street parking facilities shall be established under the provisions of this act, (ii) regulating or prohibiting the park-

ing of motor vehicles upon the streets of any such city within any such area, and (iii) providing that the provisions of any such ordinance shall be for the benefit of the holders of revenue bonds issued under the authority of this act and shall be irrepealable so long as any of such bonds shall remain outstanding.

Section 2. Section 93.353 of the Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

The rates or fees to be charged for the use of such public parking facilities shall be fixed at the lowest possible rates consistent with achieving the purpose of this act, which will (together with any additional income) defray the cost of maintaining, operating and administering, said parking facilities and of meeting the charges for principal and interest on any indebtedness incurred under this act, including reserves for such purposes and a margin of safety.

Section 3. Section 93.354 of the Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

Any city of the first class is hereby authorized to provide funds for carrying out the purposes of this act, by the issuance and sale of revenue bonds as hereinafter set forth. Such bonds shall not constitute an indebtedness of such city, but shall be secured only by the revenues derived from and in connection with the property or properties constructed or acquired under the authority of this act, and such bonds and the interest thereon shall be payable only out of such revenues. Such bonds shall be designated on their face, "Public Off-Street Parking Facilities Revenue Bonds." It shall be plainly stated on the face of each bond that it has been issued under the provisions of this act and that it does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations, or at all. Such bonds shall be authorized by ordinance of the legislative body of such city.

The bonds shall be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, shall be in such denomination or denominations, shall be payable at such place or places, which may be at any bank or trust company within or without the Commonwealth, shall mature at such time or times not exceeding forty years from their date or dates, and may be made redeemable before maturity, at the option of the city, at such price or prices and under such terms and conditions, and shall be executed in such form and manner, all as may be fixed by the legislative body of such city prior to the issuance of the bonds. The said legislative body shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in coupon or in registered form, or both, as the said legislative body may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and for the reconversion of any bond registered as to both principal and interest into coupon bonds. Such bonds shall be exempt from taxation by the Commonwealth of Kentucky and by the municipalities and political subdivisions thereof. Such bonds may be issued without a vote of voters and without any other proceedings or happenings, or any other conditions, or things than those proceedings, conditions, and things which are specified and required by this act. The said legislative body may authorize the sale of such bonds in such manner and for such price as it may determine to be for the best interests of the city, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables

of bond values. If the proceeds of such bonds by error of calculation or otherwise, shall be less than the cost of the facilities for which the bonds shall be authorized, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the ordinance authorizing the issuance of the bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds shall exceed the cost of such facilities, the surplus shall be paid into the fund for the payment of prinicpal and interest of such bonds. Bonds issued pursuant to this act shall have and are hereby declared to have in the hands of a bona fide holder, all of the qualities of negotiable instruments under the law of merchant, or the negotiable instrument act of the Commonwealth of Kentucky.

Section 4. Section 93.355 of the Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

The said legislative body shall fix and revise from time to time fees, rates, rentals and charges for the use of the facilities constructed or acquired under the authority of this act, and such fees, rates, rentals and charges shall be so fixed and adjusted as to provide (together with any additional income) funds sufficient (a) to pay the cost of maintaining, repairing and operating the facilities, (b) to pay the interest on and the principal of the revenue bonds issued hereunder for the construction or acquisition of such facilities, (c) to create necessary reserves for the foregoing purposes, and (d) to create a reserve for depreciation. The excess, if any, of revenues received during any annual period shall be applied to the prepayment of the bonds issued pursuant to the provisions of this act. Upon the payment of all of the bonds issued hereunder, the excess revenues, if any, derived from the operation of such public off-street parking facilities may be used for street construction, street reconstruction, or traffic administration.

Section 5.

Should any section, sub-section, paragraph, sentence, clause, or phrase, of this act, be declared unconstitutional or invalid, for any reason, the remainder of this act shall not be affected thereby.

By Mr. Hall.

H. B. 237. An Act imposing a tax on production of coal.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person shall operate a coal mine in this state for the production of coal for sale or exchange on a commercial basis unless he has obtained from the Department of Revenue a permit to engage in the business of producing coal. At the time of the issuance of the permit he shall pay to the state, through the Department of Revenue, a tax of ten cents for each ton of coal for which the permit is issued. The permit shall authorize the production of as many tons of coal as is named in the permit, and upon such number of tons being produced such person shall not further operate the mine until he has obtained further permits for such additional tons as he desires to produce, and has paid the tax of ten cents for each ton of coal for which such further permits are issued.

§ 2. Coal shall be deemed to have been produced, for the purpose of this Act, when it has been weighed at the mine scales or if not so weighed when it has been placed in freight cars, trucks or other vehicles for shipment.

§ 3. The Department of Revenue shall have authority to promulgate such regulations as it may deem necessary for

the enforcement of this Act and shall have the power, through its agents and representatives, to inspect the books, records and premises of all persons operating coal mines in this state.

§ 4. Any person who violates any of the provisions of Section 1 of this Act shall be fined not less than five hundred dollars nor more than one thousand dollars. Any person who produces coal without first obtaining the permit required by Section 1 of this Act and paying the tax imposed by that section shall be civilly liable for the taxes due and for a penalty of twenty percent on the amount of taxes due.

By Mr. Goins.

H. B. 238. An Act providing for the inspection of weighing machines and weighing devices in tobacco warehouses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Agriculture, Labor and Statistics shall semi-monthly or oftener inspect the weights, measures, weighing devices and measuring devices of all tobacco warehouses, grain warehouses and public stockyards during the period that such warehouses and stockyards are open for the receipt, storage and sale of tobacco, grain and livestock and shall stamp those weights, measures, weighing devices and measuring devices with a mark that shall be placed in a conspicuous position on the device inspected, with the date of such inspection.

In the event the weights, measures, weighing devices and measuring devices are found inaccurate or defective notice shall be given to the owner thereof and the person in possession to cease using the same until the defective condition has been corrected and the same shall not be again used until

the Department has been given notice of the correction of said condition and has had full opportunity to inspect the same.

Section 2. The Department of Agriculture, Labor and Statistics is hereby directed to assign sufficient of its inspectors employed under the provisions of KRS 248.300 to discharge the duties hereby imposed upon the Department.

Section 3. Any tobacco or grain warehouse or public stockyards or agent, manager, corporation or organization that violates any of the provisions of this act shall be fined not less than $100.00 nor more than $500.00, and if a corporation it shall forfeit all corporate rights and privileges.

Section 4. Any public officer, agent or employee who fails to discharge the duties herein imposed shall be fined not less than $50.00 nor more than $500.00.

By Mr. Love.

H. B. 239. An Act relating to the marketing of livestock.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who has consigned or delivered livestock to a livestock yard, market place, concentration point or other place where livestock is bought and sold on a commercial basis shall have the privilege, regardless of any specific agreement to the contrary, of rejecting the first sale of his livestock at such place and requiring another sale. The rejection must be made by notice to the operator of the place or his agent within thirty minutes after the sale is made.

§ 2. Any person who causes livestock to be delivered to a purchaser or otherwise disposes of it after a sale without

recognizing the seller's rejection of such sale, or who refuses or fails to make a second sale in due course of business after a rejection of the first sale, shall be fined not less than fifty dollars nor more than five hundred dollars, and shall be civilly liable to the person who rejected the sale in an amount equal to twice the amount for which the rejected sale was made.

By Mr. Jonas.

H. B. 240. An Act to provide for civil service and pensions for county employees in counties containing cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1

Definitions

As used in this Act, unless the context requires otherwise:

(1) "County" means a county containing a city of the second class.

(2) "Employee" means any person employed in the conduct of county affairs and whose appointment has heretofore been made by the fiscal court or any member thereof, including those holding an administrative or directorial position as head of a department of county government, heretofore or hereafter established, but does not include any person appointed by the county court. Employees are governed by this section and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of this Act.

(3) "Commission" means the civil service commission.

Section 2.

Commission for Employees; Creation; Appointment.

(1) Any county containing a city of the second class may, by resolution, create a civil service commission to govern employment of employees, classify employees of the county and designate the classes of employees to come under the terms of this Act.

(2) This commission shall consist of three persons appointed by the fiscal court. The original members shall be appointed one for a term of one year, one for a term of two years, and one for a term of three years. Thereafter, the term of the members shall be for three years and until their successors are appointed and qualify. Vacancies shall be filled by appointment for the unexpired term. The member originally appointed for three years shall be secretary, and on the expiration of his term, the commission shall choose one of its members as secretary. The salary of the members may be fixed by the fiscal court.

(3) Not more than two members shall be adherents of same political party. No person shall be appointed a member who is under thirty years of age or related by blood or marriage to the County Judge or to any member of the fiscal court.

Section 3

Rules

The commission shall promulgate and enforce rules consistent with this Act and the resolutions of the fiscal court to carry out the provisions of this Act and the resolutions of the fiscal court. All rules so promulgated shall be subject to the approval of the fiscal court.

Section 4

Number and Class of Employees
Salaries

The number, classifications and salaries of county employees shall be as fixed, from time to time, by resolution of the fiscal court. No employees directed to be appointed by the County court under the provisions of Sections KRS 199.240; 199.050; 28.770; 25.470; 25.290; 25.280; 441.150; 70.510; 395.380; 204.020; 179.020 or 182.040 shall be subject to this Act and appointments to such positions are not governed by this Act.

Section 5

Qualifications of Applicants for Employment

No person shall be eligible for classified county employment unless he is:

(1) At least twenty-one years of age and under sixty years of age.

(2) A registered voter in the county.

(3) Known to be a person of sobriety and integrity.

(4) A law-abiding citizen, and

(5) Able to read, write and understand the English language.

Section 6

Examinations

(1) The commission shall examine all applicants for classified county employment within the classes designated by the fiscal court as to their physical and mental qualifications for the class of employment applied for. The examinations shall include such subjects as the commission prescribed and

as are commensurate with the various positions to be filled. Separate examinations shall be held for each class of position.

(2) Examinations shall be held at such times and places as the commission deems proper. Notice containing the pertinent details shall be given at least ten days in advance of each examination by publication in the official newspaper.

(3) The applicants shall be ranked and graded according to the results of the examination. Any applicant who served in the Army, Navy or hospital service of the United States in the World War and who was honorably discharged shall be entitled to a five percent increase in his examination grade.

(4) As soon after each examination as is practicable the commission shall certify and deliver to each member of the fiscal court, a list of the applicants so examined, ranked and graded according to the result of the examination in the order of the grades, with the highest grade first.

Section 7

Appointment of Employees

(1) The fiscal court shall appoint all county employees within the designated classes, from the lists certified to them by the commission. Appointments to the various positions shall be made by the selection of one of the three holding the highest grades in the examination for that position.

(2) If there are urgent reasons for filling a vacancy in a classified position and the commission is unable to certify a list of as many as three persons eligible for appointment after a competitive examination, the fiscal court may nominate a person to the commission for noncompetitive examination, and if the nominee is certified by the commission as qualified after the examination, he may be appointed provisionally to

fill the vacancy until a regular appointment can be made from an eligible list prepared by the commission after a competitive examination, which list shall be prepared within ninety days thereafter.

(3) In an emergency, an appointment may be made by the fiscal court without regard to the rules of this Act, but not to continue longer than sixty days, and in no case shall successive appointments be made. Temporary appointments made necessary by disability of regular employees shall continue only during the period of disability.

(4) In case of a vacancy in a classified position where peculiar qualifications such as of a managerial, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such case is impracticable and the position can best be filled by a person of high and recognized attainment in such qualities, the commission may dispense with competition.

(5) Where there is important and urgent need for temporary service in a classified position for a period not to exceed sixty days, the fiscal court may select for the temporary service any person on the list of those eligible for permanent employment in that class. Successive temporary appointment shall not be made to the same position. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the list for permanent employment, and the period of temporary service shall not be counted as part of the probationary service in case of subsequent appointment to a permanent position.

(6) No person shall be certified by the commission from an eligible list more than four times to the same fiscal court for permanent employment for the same or a similar position, except at the request of the fiscal court.

Section 8

Present Employees

Employees who at the time this Act is adopted by any county have been in the employ of the county for one year next previous shall be eligible for appointment to the class of position held by them without examination.

Section 9

Political Sentiment or Activities

(1) No person shall be appointed to a classified county employment on account of political partisan service rendered by him or on account of political sentiment or activities, but any employee shall be removed and discharged for any political activity upon proper proof and hearing.

Section 10

Removal, Suspension or Reduction

(1) Except as provided by Section 4 of this Act, no classified employee after serving a probationary period of six months shall be removed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude or of any rule adopted by the fiscal court or the commission, and then only in the manner hereinafter provided.

(2) Any person may prefer written charges against any employee by filing them with the clerk of the fiscal court. The charges must be signed by the person making them and must set out with clearness and distinctness each separate charge.

(3) When probable cause appears, fiscal court or any member shall prefer charges against any employee whom they believe guilty of any conduct justifying his removal in the interest of public order.

(4) Where the fiscal court has probable cause to believe that any employee has been guilty of conduct justifying punishment, he shall immediately suspend the employee from duty or from both pay and duty pending trial, and the employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the fiscal court. Acquittal of the charges shall entitle the accused to full pay for the time lost.

Section 11

Hearing

(1) Upon the filing of charges, the clerk of the fiscal court shall without delay notify the members thereof and they shall fix a time and place for hearing the charges. The clerk shall give the accused employee at least three days' notice of the hearing by serving a copy of the charges on him, together with a statement of the time and place of hearing. The employee may waive service of the charges and demand trial within three days after they have been filed with the clerk.

(2) Upon the hearing, the charges shall be considered traversed and put in issue and the trial shall be confined to the issues presented by the written charges.

(3) The fiscal court may compel the attendance of witnesses by subpoenas issued by the clerk, served as other subpoenas and shall have the power of a justice of the peace to punish for contempt. The accused employee is entitled to have witnesses subpoenaed on his behalf, upon furnishing their names to the clerk.

Section 12

Decision; Punishment

(1) The action and decision of the fiscal court on the charges shall be reduced to writing and recorded in a book to

be kept for that purpose, and the written charges shall be preserved and securely attached to the book.

(2) The fiscal court may punish any employee found guilty of a charge under this Act by reprimand, by suspension for a length of time not to exceed six months, by reducing his grade, or by combining any two or more of such punishments, or by removing or dismissing him.

Section 13

Appeal

(1) If an employee is punished by suspension of more than thirty days, by reduction in grade or by removal or dismissal, he may appeal to the Circuit Court of the county. The enforcement of the judgment of the fiscal court shall not be suspended pending the appeal.

(2) Upon the written request of the employee and payment of the cost thereof, the clerk of the fiscal court shall file in the circuit court a certified copy of the charges and the finding or judgment of the fiscal court, whereupon the cause shall be docketed and tried do novo. If the clerk fails to notify and file the transcript within five days after request is made, the employee may file an affidavit in the circuit court setting out as fully as possible the charges made and the judgment, with a statement of the fact that demand had been made for a transcript more than five days prior thereto. Upon the filing of the affidavit, the cause shall be docketed and the circuit court may issue mandatory order to compel the filing of the transcript by the clerk and punish him for contempt for failure so to do.

(3) The appeal shall have precedence over other business and be taken up and determined speedily.

(4) If the original punishment fixed by the fiscal court was removal or dismissal of the employee, he may appeal from the circuit court to the Court of Appeals as in other cases.

Section 14

Pension Fund; Creation; Maintenance

(1) Any county adopting by resolution the provisions of this Act may provide for a separate pension fund for the benefit of employees in the classified service, and for that purpose, may create separate pension boards, designate and fix the powers of the trustees of the boards, provide for the creation and maintenance of funds by the levy of a tax not exceeding one cent on each one hundred dollars value of taxable property in the county and assess monthly such amount or per cent of the wages of each employee as may be equitably determined on a fair actuarial basis not to exceed a per cent greater than five per cent of the monthly salary of the employee. The fund shall be used for the retirement of employees after a prescribed number of years of service, for the benefit of disabled employees and for the benefit of widows and dependent children in case of death of an employee while acting within the scope of his employment or duty. The resolution may prescribe the terms and conditions of eligibility of employees or their dependents to the pension or other benefit, and may provide a monthly allowance for eligible employees not to exceed one-half of the monthly salary or wage of the employee at the time of his retirement.

(2) When a county creates a pension fund under this Act and accepts from its employees a portion of their wages and levies a tax therefor, an inviolate contract shall be created and exist between the county as employer and such employees. The county and the employees shall continue to operate under this Act and the adopting resolution, and a repeal of the adopting resolution shall not affect the employee unless by mutual consent of the county and the employees.

Section 15

Penalty

Any person violating the provision of sub-section (2) of section 9 of this Act shall be fined Two Hundred and Fifty Dollars, or imprisoned six months in the county jail, or both so fined and imprisoned.

By Mr. Waterfield and others.

H. B. 241. An Act relating to legislative research, audits, and studies, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is created a Legislative Research Committee of the House of Representatives and a similar committee of the Senate. Such committee in the House of Representatives shall consist of the Speaker of the House of Representatives, who shall be chairman of the committee, and eight members of the House appointed by the Speaker. Such committee in the Senate shall consist of the President Pro Tem of the Senate, who shall be chairman of the committee, and eight members of the Senate who shall be appointed by the President Pro Tem of the Senate. Five members of each committee shall constitute a quorum for the purpose of doing business.

2. Except as otherwise herein provided the members of the committees shall hold office until the next regular session of the General Assembly at which time and at each succeeding regular session of the General Assembly the membership of said committees shall be appointed in the manner provided in Section 1 hereof. A vacancy on the House committee shall be filled by the Speaker, and a vacancy on the Senate com-

mittee shall be filled by the President Pro Tem of the Senate. Any cause which results in a member of either committee ceasing to be a member of the General Assembly shall create a vacancy in the membership of such person on the committee. Any cause, which would create a vacancy in the office of the Speaker of the House or of the President Pro Tem of the Senate shall likewise create a vacancy in his office as chairman of the committee. In the case of such vacancy, the members of the committee shall select a chairman from among their membership for the remainder of the term.

3. Each committee shall meet during the interim between sessions of the General Assembly once each month at the State Capitol, unless otherwise directed by the respective chairman or the committees, beginning in April on the second Monday thereof, following the close of the pending session of the General Assembly, and on the second Monday every two months thereafter. Any regular meeting shall continue for three days unless extended by a vote of the committee. Special interim meetings of either committee may be held at the call of the chairman, or upon the request of fifty percent of the members of either committee the chairman shall call a special meeting. For attending meetings between sessions of the General Assembly, the members of each committee, or sub-committees, shall be paid their necessary traveling expenses, and shall be allowed and paid ten dollars for each day they are in attendance on the committee or sub-committee, for lodging, meals and other incidental expenses.

4. The Legislative Research Committees of the respective houses are authorized and empowered jointly and severally to make or have made research, studies and audits of or pertaining to any subject, relating to State Government, which may be legally considered or acted upon the legislative branch of State Government. Each committee shall make such research, studies and audits and make such recommendations to

the General Assembly as it deems advisable to eliminate waste and overlapping functions, to institute economies, and to promote efficiency in all divisions of State Government and to promote the general welfare of the populace in all divisions of public service, and to provide ways and means of financing the Commonwealth upon a more scientific, economical and equitable basis. Each committee shall gather budget information for the use of the General Assembly and make such other studies and gather such other information pertaining to any subject that may be considered by the General Assembly, or as in its discretion may be useful to the General Assembly. Each committee shall report to the General Assembly its findings and recommendations, accompanied with such drafts of legislation as it deems necessary for the information of and consideration by the General Assembly and shall submit a proposed budget to the Governor for his consideration.

5. The committees shall cooperate with each other as far as practicable. Such cooperation shall be effected by means of a joint sub-committee, which shall consist of the Speaker of the House and three members of the House committee appointed by him, and the President Pro Tem of the Senate and three members of the Senate committee appointed by him. The joint sub-committee shall meet at a date as early as practicable after the organization of the House and Senate committees and formulate a plan of procedure which will provide for the coordination of the activities and efficient use of the personnel employed by the committees, and the elimination of unnecessary duplication or overlapping of functions.

6. The committees jointly may employ such skilled and professional assistants and office personnel and contact for such services as they deem necessary in the performance of their duties and the accomplishment of the purpose of this Act. All employments and contracts for services and the compensation to be paid therefor shall be recommended by the

joint sub-committee referred to in Section 5 of this Act, and shall have the approval of a majority of each of the two committees. None of the provisions of Sections 42.110, 42.120, and 42.130 KRS shall be applicable to the employees or employment herein provided for. The joint sub-committee shall supervise and provide for the allocation of the work and activities of all employees of the respective committees and any sub-committees thereof, subject to the approval of the two committees.

During the regular or any special session of the General Assembly the research staff and personnel as provided for in this Section shall be at the disposal of the members of the General Assembly under the supervision of the Speaker of the House and the President Pro Tem of the Senate.

Office space for the Legislative Research committees of the House and Senate shall consist of the House and Senate chambers and rooms used by the General Assembly while in session and such other space as the committees of the House and Senate may deem necessary.

7. Any person employed under Section 6 of this Act, when authorized in writing by the Chairman of either committee, or by the committees, may require information on oath of any person touching any matter which he is required to investigate, study or audit, and shall have power to subpoena witnesses and records for such purpose, and otherwise compel the giving of evidence on any matter under study. If any person fails or refuses to testify or furnish documentary evidence concerning any matter with respect to which either committee desires information pertinent to the studies in which it is engaged, the Franklin Circuit Court, on application of the committee, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the Circuit Court on a refusal to testify therein. Any person having such written authority from the chairman of either committee or authority from either committee, shall

have access to all records of every branch, agency, division or department of the State Government, and of any agency, public or private, which has been the recipient of public funds, useful for the full and complete performance of the duties assigned to such person by the committee.

8. The editorial staff of the Statute Revision Commission, upon request of either committee, shall assist in the drafting of such proposed legislation as either committee desires to be prepared. Either committee may employ such other bill drafting assistants as may be necessary, subject to the provisions of employments and contracts for services as provided in Section 6 of this Act.

9. Each committee may establish such other sub-committees as may be convenient or desirable for the proper and efficient performance of its functions. The chairman of either committee, subject to the approval of the committee, may appoint any member of the House or Senate as a temporary exofficio member of any sub-committee, to assist in research, study or audit of any subject, and such exofficio member so appointed shall while acting in said capacity be allowed and paid expenses in the same manner as provided for members of the Committees in Section 3 hereof.

10. There is hereby appropriated to the Legislative Research Committees of the House of Representatives and the Senate, out of the General Fund, for each of the fiscal years 1944-1945 and 1945-1946, the sum of seventy five thousand dollars, for the purposes of this Act. There is further appropriated to such committees for the balance of the fiscal year 1943-1944, out of the General Fund, the sum of twenty five thousand dollars, for the same purpose.

11. The chairman of the Legislative Research Committees of the House and the Senate may at any time during any fiscal year, requisition any part or all of the sums appro-

priated by this Act for such year. The Department of Finance, upon receiving such requisitions, shall issue its warrant upon the State Treasury for the amount requisitioned.

The State Treasurer shall issue his checks payable to such chairmen jointly in their official capacity for the amounts requisitioned. Upon receipt of such checks the chairmen shall cause the amount thereof to be deposited in some solvent bank or banks of this State. Before making such deposits the bank or banks shall be required to execute a bond with good surety to be approved by the chairmen of the Committees. The chairmen of the committees shall execute a joint bond with an incorporated surety authorized to do surety business in the State of Kentucky in a penal sum equal to the largest amount that may be in their hands at any one time; the premiums on such bonds to be paid out of the appropriations made by this Act. Such bond shall be a covenant to the Commonwealth of Kentucky from the principals and surety that the principals will faithfully discharge their duties.

At the expiration of three months from the beginning of each fiscal year, all balances of appropriations and requisitioned funds not encumbered prior to the end of the fiscal year shall lapse to the General Fund and the chairmen of the Legislative Research Committees of the House and the Senate shall issue their check to the State Treasurer for the amount on deposit to their credit that has lapsed by virtue of this section.

12. Disbursements from the funds placed on deposit pursuant to Section 11 of this Act shall be made only upon checks signed by the chairman of the Legislative Research Committee of one house and counter-signed by the chairman of the Committee of the other house. The Legislative Research Committees shall cause a report to be made to the General Assembly at each regular session, on or before the tenth day of the session, containing an itemized statement of all disbursements of the funds expended under this Act.

13. Sections 7.010 to 7.080 of the Kentucky Revised Statutes are repealed.

14. WHEREAS, the War Emergency and consideration of postwar problems make it necessary and essential that the research and investigation provided for by this Act be undertaken immediately and the findings of said committees be made available at the earliest date possible an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bills be referred and printed.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 4, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Edward W. Baxter of the Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	C. D. Call	Fred Creasey
Henry Arrowood	Fred Carpenter	Thos. S. Dawson
F. H. Bassett, Jr.	Willis Champion	Adron Doran
W. G. Biggers	Jno. H. Clarke, Jr.	J. R. Dorman
Isaac Blevins	A. Roy Copeland	T. H. Dyer
Douglas T. Bolling	Marvin Cornett	Bernie S. Edlin
J. C. Bradley	John Henry Cox	Harry W. Ennis
Chas. W. Burnley	John P. Craig	Dr. J. C. Gabbard

Chas. B. Gentry	Johnston Miller	Carl Scheben
Franklin Goins	Harry L. Moore	F. W. Schuhmann
J. D. Gross	Herbert V. Moore	Vernon Seaton
R. M. (Coke) Hall	J. Lee Moore	Jno. W. Simmons
Jas. P. Hallahan	L. D. Moore	Faust Y. Simpson
Claude Hammons	W. B. Moser	Robt. J. Spaulding
B. C. Holbrook	C. Sid Nabb	E. A. Spencer
Benton Howard	Coy C. Nevitt	Arthur Stallard
Clyde S. Howard	Joe E. Nunn	Geo. W. Steinford
J. J. Huff	H. C. Patterson	Joe Stewart
W. N. Hughes	Chester Peterson	Thos. M. Swope
W. H. Hunt	Albert W. Pfeiffer	C. W. Taylor
Lee Johnson	Sylvester Phillips	Egbert V. Taylor
Paul S. Jonas	James T. Philpott	Roy L. Taylor
Wm. E. Justice	J. Gip Prather	H. Thieman, Jr.
H. Clay Kauffman	L. W. Preston	E. B. Thompson
M. Kavanaugh	Kleber F. Price	John L. Trumbo
J. T. Linton	Edw. P. Prichard	S. J. Wagner
Homer E. Losey	James E. Quill	R. E. West
A. L. Love	C. R. Reeves	Taylor Witt
Pearl McKinney	L. Allen Rhoads	Speaker Harry Lee Waterfield
Ed Marcum	H. G. Royalty	
C. C. May	Amos Runyon	—91

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill moved that the Rule of this House governing the hour for the convening thereof be dispensed with and that when the House adjourn today it adjourn to meet again on Monday, February 7 at two o'clock P. M.

Said motion was agreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a resolution entitled:

H. Res. 13. Resolution providing for the purchase of the Kentucky Directory.

Thereupon all other business was suspended, said resolution was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said resolution to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said resolution, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Howell moved that the Rules of this House be suspended.

Said motion was disagreed to.

Mr. Hammons moved that the Clerk be directed to have printed five hundred copies of the Governor's message to the General Assembly and two hundred additional copies of the Budget Bill.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 203. An Act relating to the District Offices, garages and headquarters of the Department of Highways.

H. B. 205. An Act abolishing the Division of Professional Regulation in the Department of Business Regulation.

H. B. 81. An Act relating to superintendents of County School Districts.

With a Committee amendment thereto.

By Mr. Carpenter of the Committee on Roads and Highways No. 1.

H. B. 173. An Act relating to county road engineers.

With a Committee amendment thereto.

By Mr. Nunn of the Committee on Charitable and Penal Institutions.

S. B. 10. An Act to amend and re-enact Subsec. 4 of Sec. 200.010, Chapter 200 KRS.

By Mr. Newcomb of the Committee on Cities of Fifth Class.

H. B. 34. An Act relating to cemeteries of cities of the fifth class.

With a Committee amendment thereto by way of Substitute therefor.

By Mr. Creasey of the Committee on Public Bridges and Ferries.

H. B. 164. An Act providing for telephones on State Bridges and Ferries.

H. B. 186. An Act relating to toll bridges and ferries.

H. B. 140. An Act relating to application blanks for motor vehicle license.

With a Committee amendment thereto by way of Substitute therefor.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 171. An Act to appropriate funds for administration of the community school lunch program.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is hereby appropriated from funds not otherwise appropriated the sum of $7,500 for the use of the Superintendent of Public Instruction to pay the expenses of administering the federal funds now available through the Food Distribution Administration for providing this lunch program in the public schools of the Commonwealth. This fund shall be available for said use from February 1, 1944, to June 30, 1944.

2. WHEREAS, No funds will be available for administering the community school lunch program after February 1, 1944.

NOW, THEREFORE, An emergency is hereby declared to exist and this act shall become effective on and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accorance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Chas. W. Anderson	J. R. Dorman	M. Kavanaugh
Henry Arrowood	T. H. Dyer	Homer E. Losey
F. H. Bassett, Jr.	Bernie S. Edlin	A. L. Love
W. G. Biggers	Dr. J. C. Gabbard	Pearl McKinney
Isaac Blevins	Chas. B. Gentry	Ed Marcum
Douglas T. Bolling	Franklin Goins	C. C. May
J. C. Bradley	R. M. (Coke) Hall	Johnston Miller
Chas. W. Burnley	Jas. P. Hallahan	Harry L. Moore
C. D. Call	Claude Hammons	Herbert V. Moore
Fred Carpenter	B. C. Holbrook	J. Lee Moore
Willis Champion	Clyde S. Howard	L. D. Moore
Jno. H. Clarke, Jr.	Jerry F. Howell	W. B. Moser
A. Roy Copeland	J. J. Huff	C. Sid Nabb
Marvin Cornett	W. N. Hughes	Coy C. Nevitt
John Henry Cox	W. H. Hunt	Joe E. Nunn
John P. Craig	Lee Johnson	H. C. Patterson
Fred Creasey	Paul S. Jonas	Chester Peterson
Thos. S. Dawson	Wm. E. Justice	Albert W. Pfeiffer
Adron Doran	H. Clay Kauffman	Sylvester Phillips

J. Gip Prather	Vernon Seaton	C. W. Taylor
L. W. Preston	Leon J. Shaikun	Egbert V. Taylor
Kleber F. Price	Jno. W. Simmons	Roy L. Taylor
Edw. P. Prichard	Faust Y. Simpson	H. Thieman, Jr.
C. R. Reeves	Robt. J. Spaulding	E. B. Thompson
L. Allen Rhoads	E. A. Spencer	John L. Trumbo
H. G. Royalty	Arthur Stallard	S. J. Wagner
Amos Runyon	Geo. W. Steinford	Harry F. Walters
Carl Scheben	Joe Stewart	R. E. West
F. W. Schuhmann	Thos. M. Swope	—86

There voted in the negative—

James T. Philpott —1

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred bills heretofore introduced as follows, viz.:

House Bill No. 241. Ways and Means.

House Bill No. 242. Cities of 2nd Class.

House Bill No. 243. Alcohol and Liquor Control No. 1.

House Bill No. 244. Judicial Council.

House Bill No. 245. Education No. 1.

House Bill No. 246. Constitutional Amendments.

House Bill No. 247. Education No. 1.

House Bill No. 248. Ways and Means.

House Bill No. 249. Cities of 2nd Class.

House Bill No. 250. Cities of 2nd Class.

House Bill No. 251. Ways and Means.

House Bill No. 252. Cities of 1st Class.

House Bill No. 253. Alcohol and Liquor Control No. 1.

House Bill No. 254. Ways and Means.

House Bill No. 255. Ways and Means.

Senate Bill No. 76. National Parks.

Senate Bill No. 12. Constitutional Amendments.

Senate Bill No. 40. Banks and Banking.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 180. An Act relating to the filing of nomination papers, etc.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 119.080 of the Kentucky Revised Statutes is amended to read as follows:

Candidates for offices to be voted for by the electors of one county or of a district less than one county, except members of Congress, shall file their nomination papers with the county clerk of the county on or before July 1. Candidates for offices to be voted for by the electors of more than one county, and for members of Congress, shall file their nomination papers with the Secretary of State on or before June 15. If the last day on which nominations papers may be filed under this section falls on Sunday, the last day of filing shall be the Saturday immediately preceding.

§ 2. Subsections (3) and (4) of section 118.130 of the Kentucky Revised Statutes are amended to read as follows:

(3) Except as provided in subsection (4) of this section, petitions and certificates of nominations made under KRS 118.080 and 118.090, when required to be filed with the Secretary of State, shall be filed on or before June 15 preceding the election. When required to be filed with the county court clerk, they shall be filed on or before July 1 preceding the election. If the last day on which such petitions and certificates may be filed under this subsection falls on Sunday, the last day for filing shall be the Saturday immediately preceding.

(4) Petitions and certificates of nomination made under KRS 118.080 and 118.090 for the nomination of candidates for city offices or the candidates for members of boards of education shall be filed on or before October 15 preceding the election, except that where any independent graded school district comprises parts of two or more counties the petitions and certificates shall be filed with the Secretary of State on or before September 15 preceding the election, and except that in any independent school district authorized to hold elections for members of its board of education on a day other than the day of the regular November election, the petitions or certificate shall be filed not less than fifteen days before the day fixed by law for the election. Certificates for nomination for electors of President and Vice-President of the United States shall be filed with the Secretary of State on or before September 15 preceding the election.

Mr. Scheben offered the following amendments to said bill, viz.:

Amend H. B. 180 on page 1, section 1, line 11 by adding, beginning in line 11, the following:

"Nomination papers shall, upon filing, be immediately recorded, and the date and time of filing shall be clearly

endorsed on the face of the papers. Neither the Secretary of State nor any county clerk shall accept any nomination papers for filing later than 5:00 P.M. on the last day for filing."

Amend H. B. 180 on page 2, Section 2, line 24 by adding, beginning in line 24, the following:

"Petitions and certificates of nomination filed under subsections (2), (3) and (4) of this section shall, upon filing, be immediately recorded, and the date and time of filing shall be clearly endorsed on the face of the papers. Neither the Secretary of State nor any county clerk shall accept any petition or certificate of nomination for filing later than 5:00 P.M. on the last day for filing."

Said amendments were each agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Fred Carpenter	T. H. Dyer
Henry Arrowood	Willis Champion	Bernie S. Edlin
F. H. Bassett, Jr.	Jno. H. Clarke, Jr.	Dr. J. C. Gabbard
W. G. Biggers	A. Roy Copeland	Chas. B. Gentry
Isaac Blevins	Marvin Cornett	Franklin Goins
Douglas T. Bolling	John P. Craig	J. D. Gross
J. C. Bradley	Fred Creasey	R. M. (Coke) Hall
Chas. W. Burnley	Thos. S. Dawson	Jas. P. Hallahan
C. D. Call	J. R. Dorman	Claude Hammons

B. C. Holbrook	L. D. Moore	F. W. Schuhmann
Clyde S. Howard	W. B. Moser	Vernon Seaton
Jerry F. Howell	C. Sid Nabb	Jno. W. Simmons
J. J. Huff	Coy C. Nevitt	Faust Y. Simpson
W. N. Hughes	Joe E. Nunn	Robt. J. Spaulding
W. H. Hunt	H. C. Patterson	E. A. Spencer
Lee Johnson	Chester Peterson	Arthur Stallard
Paul S. Jonas	Albert W. Pfeiffer	Geo. W. Steinford
Wm. E. Justice	Sylvester Phillips	Thos. M. Swope
H. Clay Kauffman	James T. Philpott	C. W. Taylor
M. Kavanaugh	L. W. Preston	Egbert V. Taylor
J. T. Linton	Kleber F. Price	Roy L. Taylor
Pearl McKinney	Edw. P. Prichard	H. Thieman, Jr.
Ed Marcum	James E. Quill	E. B. Thompson
C. C. May	C. R. Reeves	S. J. Wagner
Johnston Miller	L. Allen Rhoads	Harry F. Walters
Harry L. Moore	H. G. Royalty	R. E. West
Herbert V. Moore	Amos Runyon	
J. Lee Moore	Carl Scheben	—82

Resolved that the title thereof be as aforesaid.

Mr. Scheben moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 135. An Act to amend KRS 56.190.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Kentucky Revised Statute 56.190 be amended to read as follows:

"(1) Only vacant lands may be appropriated under KRS 56.200 to 56.240. Land that has escheated to the state, or has been forfeited for failure to list it for taxation or for non-payment of taxes, or has been legally and validly patented before, is not vacant land.

"(2) Every entry, survey, or patent is void in so far as it embraces land previously entered, surveyed, or patented, unless the previous entry, survey, or patent itself is void; in which case the first subsequent lawful entry, survey, or patent, whether issued before, on, or after the effective date of this Act, shall be valid and be accorded the same force and effect it would have been entitled to have been accorded, had the void entry, survey, or patent never been issued."

Mr. Seaton moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. C. Bradley	John H. Clarke, Jr.
Henry Arrowood	Chas. W. Burnley	A. Roy Copeland
F. H. Bassett, Jr.	C. D. Call	Marvin Cornett
W. G. Biggers	Fred Carpenter	John Henry Cox
Douglas T. Bolling	Willis Champion	John P. Craig

Thomas S. Dawson	Pearl McKinney	Carl Scheben
Adron Doran	Ed Marcum	F. W. Schuhmann
J. R. Dorman	C. C. May	Vernon Seaton
T. H. Dyer	Harry L. Moore	Jno. W. Simmons
Bernie S. Edlin	Herbert V. Moore	Faust Y. Simpson
Dr. J. C. Gabbard	L. D. Moore	George T. Smith
Chas. B. Gentry	W. B. Moser	Robt. J. Spaulding
Franklin Goins	C. Sid Nabb	Arthur Stallard
J. D. Gross	Joe E. Nunn	Geo. W. Steinford
R. M. (Coke) Hall	Chester Peterson	Joe Stewart
Jas. P. Hallahan	Albert W. Pfeiffer	Thos. M. Swope
Claude Hammons	Sylvester Phillips	C. W. Taylor
B. C. Holbrook	L. W. Preston	Egbert V. Taylor
J. J. Huff	Kleber F. Price	Roy L. Taylor
W. N. Hughes	E. P. Prichard	H. Thieman, Jr.
W. H. Hunt	James E. Quill	E. B. Thompson
Lee Johnson	C. R. Reeves	John L. Trumbo
Paul S. Jonas	L. Allen Rhoads	R. E. West
Wm. E. Justice	H. G. Royalty	
H. Clay Kauffman	Amos Runyon	—73

Those who voted in the negative were—

Isaac Blevins	James T. Philpott	—2

Resolved that the title thereof be as aforesaid.

Mr. Seaton moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 188. An Act relating to public education.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 157.052 and 157.053, Kentucky Revised Statutes, be and the same are hereby repealed and reenacted so that when repealed and reenacted they shall read as follows:

Any board of education that has had its budget and salary schedule approved by the State Board of Education as provided by law and has levied for school purposes a tax of at least seventy-five cents on each one hundred dollars of property subject to local taxation, provided that the ad valorem tax levy is not reduced in any district below that made for the school year 1943-44, shall have the privilege of applying for aid from this special fund. Such application shall be filed with the Superintendent of Public Instruction on or before January 15 prior to the beginning of the school year for which such aid is requested, except the year 1944 and previous to May 15, 1944.

The Superintendent of Public Instruction shall make a careful study to determine the amount of revenue that is available annually for the education of each child in average daily membership in the public schools in each school district in Kentucky. This study which shall be used as a basis for the distribution of moneys from the special fund shall be based upon records and reports for the school year ending June 30 immediately preceding. For the purpose of this study the Superintendent of Public Instruction shall include all recurring state and local revenues accruing to the board of education and shall calculate the local income at the rate of seventy-five cents per one hundred dollars of property subject to local taxation, or on the basis of the 1943-44 ad valorem tax levy if it is greater than seventy-five cents. This study shall be made annually in the same manner. If the Superintendent of Public Instruction finds that a board of education is unable to provide an average of forty dollars per year for

the education of each child in average daily membership in its district, then the Superintendent of Public Instruction with the approval of the State Board of Education shall prorate from the funds appropriated for this purpose an amount sufficient to enable each board of education to provide an income of forty dollars per year for the education of each child in average daily membership in such school district. In the event that the amount appropriated for this purpose is not sufficient to permit an allotment to each board of education of the full amount necessary to provide an income of forty dollars per year per pupil in average daily membership, then the amount appropriated shall be distributed to all school districts which qualify for such aid on a percentage basis to be determined by the ratio of the funds appropriated for this purpose to the total amount necessary to provide an income of forty dollars per child in average daily membership in the public schools of the entire Commonwealth.

Mr. Love offered the following amendment to said bill, viz.:

Amend H. B. 188 on page 1 lines 4 to 9 by striking lines 4 to 9 and inserting in lieu thereof the following:

"Any board of education that has had its budget and salary schedule approved by the State Board of Education, whose ratio of assessed valuation of property to fair cash value is equal to the average ratio throughout the state, as certified to the State Board of Education by the Kentucky Tax Commission, and has levied for school purposes a tax of at least seventy-five cents on each one hundred dollars of property subject to local taxation and not less than the ad valorem tax levy made for the school year 1943-44, shall have the privilege of applying for aid."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. (Coke) Hall
Jas. P. Hallahan
B. C. Holbrook
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West

—82

There voted in the negative—

Coy C. Nevitt —1

Resolved that the title thereof be as aforesaid.

Mr. Losey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Order of the Day, a bill entitled:

H. B. 177. An Act to amend Subsec. 1 of Sec. 189.990 KRS relating to traffic regulations and equipment of vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsection (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, subsection (2) of KRS 189.370, KRS 189.380, subsections (1), (2) and (4) of KRS 189.390, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

Mr. Cox moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Chas. W. Anderson	T. H. Dyer	Pearl McKinney
Henry Arrowood	Bernie S. Edlin	Ed Marcum
F. H. Bassett, Jr.	Dr. J. C. Gabbard	Johnston Miller
W. G. Biggers	Franklin Goins	Harry L. Moore
Isaac Blevins	J. D. Gross	Herbert V. Moore
Douglas T. Bolling	R. M. (Coke) Hall	J. Lee Moore
J. C. Bradley	Jas. P. Hallahan	L. D. Moore
Chas. W. Burnley	Claude Hammons	W. B. Moser
C. D. Call	B. C. Holbrook	C. Sid Nabb
Fred Carpenter	Jerry F. Howell	Coy C. Nevitt
Willis Champion	J. J. Huff	Joe E. Nunn
Jno. H. Clarke, Jr.	W. N. Hughes	H. C. Patterson
A. Roy Copeland	W. H. Hunt	Chester Peterson
Marvin Cornett	Lee Johnson	Albert W. Pfeiffer
John Henry Cox	Paul S. Jonas	Sylvester Phillips
John P. Craig	Wm. E. Justice	James T. Philpott
Fred Creasey	H. Clay Kauffman	J. Gip Prather
Thos. S. Dawson	J. T. Linton	L. W. Preston
Adron Doran	Homer E. Losey	Edw. P. Prichard
J. R. Dorman	A. L. Love	James E. Quill

C. R. Reeves	George T. Smith	Egbert V. Taylor
L. Allen Rhoads	Robt. J. Spaulding	Roy L. Taylor
H. G. Royalty	E. A. Spencer	H. Thieman, Jr.
Amos Runyon	Arthur Stallard	E. B. Thompson
Carl Scheben	Geo. W. Steinford	John L. Trumbo
F. W. Schuhmann	Joe.Stewart	Harry F. Walters
Jno. W. Simmons	Thos. M. Swope	R. E. West
Faust Y. Simpson	C. W. Taylor	—83

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 166. An Act relating to the parole of prisoners.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 439.105 of the Kentucky Revised Statutes is amended to read as follows:

(1) Until the date upon which the President of the United States shall declare that a National Emergency no longer exists, the Commissioner of Welfare may, at his discretion, and with the approval of the Governor, and subject to the statutes regulating the manner of granting paroles, parole at any time, for service in the armed forces of this country, any prisoner confined in one of the penal institutions of this state, except a person convicted a third time of felony.

(2) The provisions of KRS 439.110, except as they relate to persons sentenced for life on a third conviction of felony, shall be suspended during the continuance of the National Emergency, but on and after the date upon which the President of the United States shall declare that a National Emergency no longer exists, said section, unless sooner amended or repealed, shall return to full force and effect.

Said Committee amendment is as follows, viz.:

Amend H. B. 166 on page 1, line 8 after the word "country" the following language to be added:

"or for work in agriculture, or essential war industry."

Said amendment was agreed to.

Mr. Hammons offered the following amendment to said bill, viz.:

Amend H. B. 166 by adding the following at the end thereof:

Whereas the present World War requires the services of every able-bodied man in our nation's war effort, and it is well-nigh imperative that the great reservoir of unused manpower available in our state's penal institutions be made capable of use at the earliest possible date, an emergency is declared to exist and this Act shall take effect upon its approval by the Governor.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. (Coke) Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Carl Scheben
F. W. Schuhmann
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West

—82

There voted in the negative—

Robt. J. Spaulding

—1

Resolved that the title thereof be as aforesaid.

Mr. Hammons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 159. An Act relating to marriage.

Mr. Cornett moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 161. An Act relating to the probation of wills.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When it appears to the court that a will cannot be proven as otherwise provided by law because one or more or all of the subscribing witnesses to the will, at the time the will is offered for probate, are serving in or present with the armed forces of the United States or as merchant seamen, or are dead or mentally or physically incapable of testifying or otherwise unavailable, in the course of such service, the court may admit the will to probate upon the testimony in person or by deposition of at least two credible disinterested witnesses that the signature to the will is in the handwriting

of the person whose will it purports to be, or upon other sufficient proof of such handwriting. The foregoing provision shall not preclude the court, in its discretion, from requiring in addition, the testimony in person or by deposition of any available subscribing witness, or proof of such other pertinent facts and circumstances as the court may deem necessary to admit the will to probate.

§ 2. Whereas this Nation is now engaged in a war and it is necessary for proper representation of the property interests of persons in the armed services of the Nation that this Act take effect promptly, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Chas. W. Anderson	J. C. Bradley	A. Roy Copeland
Henry Arrowood	Chas. W. Burnley	Marvin Cornett
F. H. Bassett, Jr.	C. D. Call	John Henry Cox
W. G. Biggers	Fred Carpenter	John P. Craig
Isaac Blevins	Willis Champion	Fred Creasey
Douglas T. Bolling	Jno. H. Clarke, Jr.	Thos. S. Dawson

Adron Doran	A. L. Love	H. G. Royalty
J. R. Dorman	Pearl McKinney	Amos Runyon
T. H. Dyer	Ed Marcum	Carl Scheben
Bernie S. Edlin	Johnston Miller	F. W. Schuhmann
Dr. J. C. Gabbard	Harry L. Moore	Jno. W. Simmons
Chas. B. Gentry	Herbert V. Moore	George T. Smith
J. D. Gross	J. Lee Moore	Robt. J. Spaulding
R. M. (Coke) Hall	L. D. Moore	E. A. Spencer
Jas. P. Hallahan	W. B. Moser	Arthur Stallard
Claude Hammons	Coy C. Nevitt	Geo. W. Steinford
B. C. Holbrook	Chester Peterson	Joe Stewart
Clyde S. Howard	Albert W. Pfeiffer	Thos. M. Swope
Jerry F. Howell	Sylvester Phillips	C. W. Taylor
J. J. Huff	James T. Philpott	Egbert V. Taylor
W. H. Hunt	J. Gip Prather	Roy L. Taylor
Lee Johnson	L. W. Preston	H. Thieman, Jr.
Paul S. Jonas	Kleber F. Price	John L. Trumbo
Wm. E. Justice	Edw. P. Prichard	S. J. Wagner
H. Clay Kauffman	James E. Quill	Harry F. Walters
J. T. Linton	C. R. Reeves	R. E. West
Homer E. Losey	L. Allen Rhoads	—80

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 160. An Act concerning powers of attorney granted by persons serving in or present with the armed forces.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No agency created by a power of attorney in writing given by a principal who is at the time of execution, or who, after executing such power of attorney, becomes, either

(a) a member of the armed forces of the United States, or

(b) a person serving as a merchant seaman outside the limits of the United States, or

(c) a person outside said limits by permission, assignment or direction of any department or official of the United States government, in connection with any activity pertaining to or connected with the prosecution of any war in which the United States is then engaged, shall be revoked or terminated by the death of the principal, as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, shall have acted or shall act, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, legatees, or personal representatives of the principal.

§ 2. An affidavit, executed by the attorney-in-fact or agent, setting forth that he has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this State, such affidavit (when authenticated for record in the manner prescribed by law) shall likewise be recordable.

§ 3. No report or listing, either official or otherwise, of "missing" or "missing in action", as such words are used in military parlance, shall constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency.

§ 4. This Act shall not be construed so as to alter or affect any provision for revocation or termination contained in such power of attorney.

§ 5. Whereas this Nation is now engaged in a war and it is necessary for proper representation of the property interests of persons in the armed services of the Nation that this Act effect promptly, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Chas. W. Anderson	Willis Champion	J. R. Dorman
Henry Arrowood	Jno. H. Clarke, Jr.	T. H. Dyer
F. H. Bassett, Jr.	A. Roy Copeland	Bernie S. Edlin
W. G. Biggers	Marvin Cornett	Dr. J. C. Gabbard
Isaac Blevins	John Henry Cox	Chas. B. Gentry
Douglas T. Bolling	John P. Craig	Franklin Goins
Chas. W. Burnley	Fred Creasey	J. D. Gross
C. D. Call	Thos. S. Dawson	R. M. (Coke) Hall
Fred Carpenter	Adron Doran	Jas. P. Hallahan

Claude Hammons	J. Lee Moore	Jno. W. Simmons
B. C. Holbrook	L. D. Moore	Faust Y. Simpson
Clyde S. Howard	W. B. Moser	George T. Smith
Jerry F. Howell	Coy C. Nevitt	Robt. J. Spaulding
J. J. Huff	Chester Peterson	E. A. Spencer
W. H. Hunt	Albert W. Pfeiffer	Arthur Stallard
Lee Johnson	Sylvester Phillips	Geo. W. Steinford
Paul S. Jonas	James T. Philpott	Joe Stewart
Wm. E. Justice	J. Gip Prather	Thos. M. Swope
H. Clay Kauffman	L. W. Preston	C. W. Taylor
M. Kavanaugh	Kleber F. Price	Egbert V. Taylor
J. T. Linton	Edw. P. Prichard	H. Thieman, Jr.
Homer E. Losey	James E. Quill	E. B. Thompson
A. L. Love	C. R. Reeves	John L. Trumbo
Pearl McKinney	L. Allen Rhoads	S. J. Wagner
Ed Marcum	H. G. Royalty	Harry F. Walters
Johnston Miller	Amos Runyon	R. E. West
Harry L. Moore	Carl Scheben	
Herbert V. Moore	F. W. Schuhmann	—82

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 40. An Act to authorize the appointment of a nominee by banking institutions acting in a fiduciary capacity.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The appointment of a nominee by banking institutions acting in a fiduciary capacity.

Any bank or trust company when acting as executor, administrator, guardian, committee, agent, or trustee, whether alone or jointly with an individual or individuals, may with the consent of the individual fiduciary or fiduciaries, if any, (who are hereby authorized to give such consent) cause any stock or other securities held in any such capacity to be registered and held in the name of a nominee or nominees of such bank or trust company, or in its own name.

Any such bank or trust company shall be absolutely liable for any loss occasioned by the acts of any nominees of such bank or trust company with respect to such stock or other securities so registered. But no liability for any loss occasioned by the acts of any such bank or trust company, or the nominee of either of them with respect to such stock or securities so registered, shall be imposed upon the corporation, its transfer agent or registrar, which registers its stock or other securities in the name of such bank or trust company, or the nominee of either of them, in accordance with the provisions of this act.

The records of such bank or trust company shall at all times show the ownership of any such stock or other securities. Such stock or other securities shall at all times be kept separate and apart from the assets of such bank or trust company.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

S. B. 12. An Act amendment to the Constitution of the Commonwealth of Kentucky by creating a new section relating to the qualifications of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Constitution of the Commonwealth of Kentucky is amended by creating a new section thereof, to be numbered Section 145a, and to read as follows:

Every citizen of the United States of the age of eighteen years, who is otherwise a qualified voter under Section 145 of this Constitution, shall be entitled to vote in the precinct in which he or she has established a legal residence, and by absentee ballot.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection in the manner provided by Sections 256 and 257 of the Constitution and Section 118.430 of the Kentucky Revised Statutes.

S. B. 76. An Act empowering the National Park Commission to condemn land for park purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 148.120 of the Kentucky Revised Statutes is amended to read as follows:

Commission may condemn property. (1) The commission may condemn land, caves, cave rights, leasehold interests and other real or personal property interests within areas designated by the United States for park sites. Condemnation proceedings shall be exercised as provided in KRS 416.010 to 416.080. No condemnation proceedings shall impose on the state any liability for which provision has not previously been made. The commission shall also pay the expenses of condemnation proceedings, judgments and awards in condemnation proceedings, and other expenses necessary to acquire property.

(2) The action shall be brought in the county court where the property lies by the Attorney General, and the County Attorney of that county at the direction of the Attorney General shall assist in the prosecution of said action in the county and circuit courts.

(3) It shall not be mandatory for the commission to take the property at the price fixed by the jury or court judgment.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 41. An Act to authorize the appointment by a court of competent jurisdiction of an interim trustee for any person in the armed services.

Mr. Preston moved that said bill be laid on the Clerk's Desk.

Said amendment was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 109. An Act to provide for pay, medical treatment and funeral expenses of active militiamen.

Mr. Preston moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

Without objection the following bills were introduced, viz.:

By Mr. Bolling.

H. B. 242. An Act relating to and amending the charters of cities of the second, third, fourth, fifth and sixth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 96.430, Kentucky Revised Statutes be and it is hereby repealed and reenacted so that said section as reenacted shall read as follows:

At or before the issuance of bonds, the city legislative body shall, by ordinance, set aside and pledge the income and revenue of the water works into a separate and special fund to be used and applied in payment of the cost thereof, and in the maintenance, operation and depreciation thereof and for the purposes hereinafter set out. The ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of the principal and interest of the bonds, and the portion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, the portion to be set aside for the reasonable and proper operation and maintenance of the water works and may provide that the surplus not needed for the purposes aforesaid, shall be paid over to and become a part of the general funds of such city. The rates to be charged for service from the water works shall be fixed and revised from time to time so as to be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereon, when due; to provide for the operation and maintenance of the water works and an adequate depreciation account and such rates may be fixed as will furnish a fair and reasonable return on the fair value of the used and useful property of the utility.

Section 2. That section 96.440 Kentucky Revised Statutes be and the same is hereby repealed and reenacted so that said section when reenacted, shall read as follows:

If a surplus is accumulated in the operating and maintenance funds equal to the cost of maintaining and operating the water works during the remainder of the calendar year or the fiscal year, if the utility is being operated on a fiscal year basis, and also equal to the cost of maintaining and operating the water works during a like succeeding year, then any excess over such amount shall be transferred by the utility commission to the depreciation account to be used for improvements, extensions or additions to the water works or if the depreciation account is already proper and adequate, as defined by the ordinance enacted under the provisions of section 96.430 Kentucky Revised Statutes, then such excess may be transferred by the utility commission to and become a part of the general funds of such city.

Section 3. That section 96.520 Kentucky Revised Statutes be and the same is hereby repealed and reenacted so that said section, when so reenacted, shall read as follows:

(1) Any city of the second, third, fourth, fifth or sixth class may purchase, establish, erect, maintain and operate electric light, heat and power plants with extensions and necessary appurtenances thereunto within or without the corporate limits of the city for the purpose of supplying the city and its inhabitants with electric light, heat and power.

(2) The city shall proceed in the same manner and be governed by the same conditions as are set forth in Kentucky Revised Statutes 96.360 to 96.510, including sections 96.430 and 96.440 as herein reenacted, for the acquisition and operation of a water system, except that a petition calling for an election on the proposition of purchasing an existing plant, shall be signed by at least two hundred qualified voters of

the city rather than by 25% of the qualified voters of the city who voted at the last preceding regular election.

(3) This section constitutes a method for the acquisition of an electric light, heat and power plant by any city of the second, third, fourth, fifth or sixth class in addition or as an alternate to any other method authorized by statute. No proceedings shall be required for the acquisition of any electric light, heat or power plant or the issuance of bonds under this section except the proceedings required by the Kentucky Revised Statutes 96.360 to 96.510 including section 96.430 and 96.440, as herein reenacted.

Section 4. That section 96.530 Kentucky Revised Statutes and it is hereby repealed and reenacted so that said section when reenacted shall read as follows:

(1) Any city acquiring or constructing an electric light, heat and power plant under the provisions of Kentucky Revised Statutes 96.520 shall by ordinance appoint a city utility commission consisting of three commissioners to operate, manage and control the plant. The utility commission shall have absolute control of the plant in every respect, including its operation and fiscal management and the regulation of rates, except that in fixing rates, the commission shall be governed by the provisions of Kentucky Revised Statutes 96.430, as hereby reenacted, as it is made applicable to such plants by Kentucky Revised Statutes 96.520, as hereby reenacted and by any ordinance enacted under that section. The commission shall provide rules for the management of the plant. Out of the revenue of the plant, it shall pay operating expenses, make repairs and necessary additions and provide sufficient reserve fund against any emergency that may be expected reasonably to arise. The commission may, from time to time, pay to the city the surplus revenue derived from the operation of the plant, which shall be administered and disbursed by the legislative body of the city, as is pro-

vided in Kentucky Revised Statutes 96.430 and 96.440, as hereby reenacted and as they are made applicable to such plants by Kentucky Revised Statutes 96.520, as hereby reenacted.

(2) Except as provided in Kentucky Revised Statutes 61.070, no person shall be appointed a member of the commission who has, within the last two years before his appointment, held any city, county, state or federal office, or been a member of any committee of any political party, or who is related within the third degree to the mayor or member of the city legislative body. The commission shall not appoint to any subordinate office, that it may create, any person who is related to any commissioner, to the mayor or to any member of the city legislative body. No officer or employee of the city, whether holding a paid or unpaid office, shall be eligible to be appointed as a member of said commission or to be employed by the commission in any capacity. The members of the commission shall be citizens, taxpayers and legal voters of the city and shall not, at the time of appointment, be indebted to the city or surety on the official bond of any officer of the city. If at any time, during his term of office, any member of the commission becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership on the commission and another person shall be appointed in his place.

(3) The city shall pay the cost of securing the bonds for the commissioners from a surety company and each commissioner shall execute bond to be approved by the city legislative body.

(4) The city legislative body shall fix the salary to be paid each member of the commission at a sum not to exceed $300.00 per annum.

(5) The first commissioners appointed under this section shall be appointed, one for the term of one year, one for

the term of two years and one for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

Section 5. Whereas this act is of vital importance to the administration of municipally owned water works and light, heat and power plants in the State of Kentucky and will clarify the present fiscal management of such plants, an emergency is hereby declared to exist and this act shall become effective immediately upon its final passage and approval by the Governor.

By Mr. Simpson.

H. B. 243. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 242.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter, unless the context requires otherwise:

(1) "Alcoholic beverage" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter, wine and all other spirituous, vinous, malt or fermented liquors, liquids, and compounds, whether medicated, proprietary, patented or not, by whatever name called, containing more than one per cent of alcohol by volume, which are fit for use for beverage purposes. It does not include:

(a) Denatured alcohol or denatured rum;

(b) Medicinal preparations, manufactured in accordance with formulas prescribed by the United States Pharma-

copoeia, National Formulary of the American Institute of Homeopathy that are unfit for use for beverage purposes;

(c) Patented, patent and proprietary medicines that are unfit for use for beverage purposes;

(d) Toilet, medicinal and antiseptic preparations and solutions that are unfit for use for beverage purposes;

(e) Flavoring extracts and syrups that are unfit for use for beverages purposes;

(f) Vinegar and preserved sweet cider;

(g) Wine for sacremental purposes;

(h) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use;

(i) Alcohol for mechanical and scientific purposes if unfit for a beverage.

(2) "Election" means an election held for the purpose of taking the sense of the people on the propositions contained in KRS 242.050.

(3) "Next ensuing election" shall mean the General Election held in Nineteen Hundred and Forty-six and the general election held every two years thereafter.

(4) "Election unit" means any city or any district or precinct lying within the corporate limits of any city or any county or that part of a county, or any precinct or district lying without the corporate limits of any city.

(5) "Territory" means county, city, district or precinct.

(6) "Vehicle" includes an animal used in hauling a vehicle.

2. Section 242.020 of the Kentucky Revised Statutes is amended to read as follows:

When three or more constitutionally qualified electors of any election unit, as defined in KRS 242.010, desire to circulate a petition for a local option election to be held therein, they shall make written application for such a petition to the county clerk of the county wherein the election unit is situated. The county clerk shall issue to the applicants as many copies of the petition form as may be required by the applicants. Each copy of such form shall bear the date of issuance and the seal of the county clerk. No such petition forms shall be issued by the county clerk more than one hundred twenty (120) days prior to the date of the next ensuing election to be held in such election unit.

The Secretary of State shall prepare and furnish to the several county clerks petitions in manner and form as hereinafter prescribed.

The petition shall be in the following form:

PETITION FOR LOCAL OPTION ELECTION

TO THE COUNTY CLERK OF ..... COUNTY:

The undersigned residents and constitutionally qualified voters of ..... County of .....
Election unit
respectfully petition that you cause to be submitted, in the manner provided by law, to the voters of .....
at the next ensuing election to be held in such election unit, the following propositions:

1. Do you favor the sale at retail in .....
(insert election unit) of malt beverages (beer) by the package only and not for consumption on the premises where sold?

2. Do you favor the sale at retail in .....
(insert election unit) of malt beverages (beer) by the drink?

3. Do you favor the sale at retail in ..... (insert election unit) of distilled spirits and wine by the package only and not for consumption on the premises where sold?

4. Do you favor the sale at retail in ..... (insert election unit) of the distilled spirits and wine by the drink?

Residence Address

No.

Signature of Petitioner

(Including street and number)

Provided, however, if the petition when applied for is intended for circulation in any election unit wherein, under the provisions of KRS 243.230, the issuance of licenses is not authorized for the sale of distilled spirits and wine by the drink for consumption on the premises, then the county clerk shall, before issuing such petition forms, strike therefrom proposition number 4 relating to such sales.

The petition shall consist of sheets each of which shall have such form printed at the top thereof and shall be signed by each petitioner in his own handwriting. Provided, however, if the petitioner is unable to write, he shall sign by a mark, which mark shall be witnessed by a qualified voter of the election unit. Opposite his signature, each petitioner shall write his residence address, including the street and house number. Each sheet shall contain ruled space for the signatures of twenty-five (25) petitioners and shall contain at the bottom thereof the following affidavit:

I, ..., being first duly sworn on
Name of such circulation
oath depose and say that I am a constitutionally qualified voter in.....County of.....
Election unit
Commonwealth of Kentucky, residing at.....street, ..., Kentucky, and that each of the

above petitioners affixed his signature to this petition in my presence, and that to the best of my knowledge and belief each petitioner was, at the time of signing, a constitutionally qualified voter in such election unit, and that he correctly stated his residence address.

.....

Signature of Affiant.

The affiant must be a constitutionally qualified voter of the election unit in which the petitioners reside and the affidavit shall be signed and sworn to by him before some Notary Public or other person in such unit who is authorized by law to administer oaths.

A petition for a local option election must at the time of filing with the county clerk contain the signatures of constitutionally qualified voters of the election unit equal in number to at least twenty-five (25%) per cent of the number of votes cast in such unit at the last preceding general election, and must be filed with the county clerk of the county in which such election unit is situated at least sixty days prior to the day of the next ensuing election. Each sheet of such petition must at the time of filing bear the signed affidavit as set forth herein and such sheets shall be fastened together in one document and filed as a whole and when filed shall not be added to or amended in any manner whatsoever.

When such a petition is filed with the county clerk, it shall be his duty to check the signatures on such petition to determine whether the signers were duly registered voters of such election unit at the time the petition was filed, and not less than fifty-five (55) days prior to the day of the next ensuing election he shall certify to the county court the date upon which the petition was issued, the date the petition was filed, the number of duly registered voters of the election unit whose signatures are affixed thereto and the number of votes which were cast in said unit at the last preceding general election. In the event that a petition is filed for an election

in any precinct lying within the corporate limits of a city, and another petition is also filed for an election in the city, embracing such precinct, the propositions shall be submitted to the voters of the city as a unit.

Where a petition is filed for an election in any precinct lying without the corporate limits of any city and another petition is filed for an election in all of that part of the county lying without the corporate limits of any city, the proposition shall be submitted to voters of that part of the county lying without the corporate limits of any city as a unit. The provisions of this section are mandatory and no local option petition shall be valid which at the time of filing fails to conform to the provisions hereof.

3. Section 242.030 of the Kentucky Revised Statutes is amended to read as follows:

The county court or the judge in vacation shall not later than fifty (50) days before the date of the next ensuing election examine the petition and, upon the finding of the court that it contains the required number of legal signatures and conforms in all respects to the provisions of this Act, the court shall enter its order directing that the local option propositions as set forth herein be submitted to the voters of such election unit at the next ensuing election.

After the effective date of this Act, no local option election shall be held in the same election unit more often than once in every forty-seven (47) months.

4. Section 242.040 of the Kentucky Revised Statutes is amended to read as follows:

Within five days after the county court orders an election, the county clerk shall give to the sheriff a certified copy of the order. The sheriff shall have the order published for at least two weeks before the election in a weekly or daily newspaper published in the county, and he shall also adver-

tise the order by posting written or printed handbills at not less than five conspicuous places in each precinct in such election unit for the same length of time. If no daily or weekly paper is published in the county or the proprietor of the newspaper fails to publish the advertisement, the printed or written handbills posted as provided in this section shall be sufficient. The sheriff shall report in writing to the county court that the notices have been published and posted.

5. Section 242.050 of the Kentucky Revised Statutes is amended to read as follows:

When a local option election has been ordered by the county court as herein provided the following propositions except as hereinafter provided shall be plainly printed, in the order herein set forth, upon separate ballots to be used at the next ensuing election.

Provided, however, if such election has been ordered to be held in any election unit wherein, under the provisions of KRS 243.230, the issuance of licenses is not authorized for the sale of distilled spirits and wine by the drink for consumption on the premises, then proposition number 4 relating to such sales shall not printed upon such ballot.

OFFICIAL LOCAL OPTION BALLOT

1. Do you favor the sale at retail in ..... (insert election unit) of malt beverages (beer) by package only and not for consumption on the premises where sold?	Yes	
	No	
2. Do you favor the sale at retail in..... (insert election unit) of malt beverages (beer) by the drink?	Yes	
	No	

3. Do you favor the sale at retail in..... (insert election unit) of distilled spirits, and wine by the package only and not for consumption on the premises where sold?	Yes	
	No	

4. Do you favor the sale at retail in ..... (insert election unit) of distilled spirits and wine by the drink?	Yes	
	No	

Each voter shall designate his vote by placing a cross mark in the square opposite the word "yes" or the word "no" set opposite each of the four propositions. The voter may vote on any or all of the propositions on such ballot.

Whenever, at an election as provided for herein, the election unit contains a precinct or district that is partly within and partly without the limits of such election unit, only those constitutionally qualified voters residing in that portion of the precinct or district lying within the election unit shall receive such proposition ballot, and the clerks of election in that precinct or district shall keep a separate register within which shall be recorded the names and residence addresses of all voters who receive such proposition ballots and cast the same in said election.

6. Section 242.070 of the Kentucky Revised Statutes is amended to read as follows:

Not more than twenty days prior to an election any group of citizens that in good faith favors or opposes the propositions to be submitted may file with the chairman of the County Board of Election Commissioners a petition asking that it be recognized as the committee entitled to certify challengers and witnesses to the count of the ballots and certification

of the results. If more than one group claims the right to certify challengers and witnesses, the county board shall promptly decide and publicly announce which committee is entitled to certify challengers and witness. That decision shall not be final, but any aggrieved party may appeal to the county court and, upon hearing, the county judge shall determine which group shall be recognized.

7. Section 242.080 of the Kentucky Revised Statutes is amended to read as follows:

The committees may sign and issue certificates designating challengers at the polls and witnesses to the count of ballots in the same manner as political committees under the General Election laws.

8. Section 242.190 of the Kentucky Revised Statutes is amended to read as follows:

Where a majority of the legally qualified voters voting at such election shall vote "no" on any one or more of such propositions, no license authorizing the business covered by such proposition or propositions shall be issued and any existing license authorizing any such business shall terminate at the expiration of sixty (60) days from the date of the entry of the certificate of the county board of election commissioners in the order book of the county court.

Where a majority of the legally qualified voters voting at such election shall vote "yes" on any one or more of such propositions licenses authorizing the business covered by such proposition or propositions may be issued subject to the provisions of KRS Chapter 243.

In case of a tie vote on any of the propositions voted upon, the law in such election unit shall remain as it was before the election. Any change in the status of any election unit with respect to the sale at retail of alcoholic beverages resulting from a vote at an election as herein provided shall

become effective at the expiration of sixty (60) days from the date of the entry of the certificate of the county board of election commissioners in the order book of the county court.

9. Section 242.210 of the Kentucky Revised Statutes is amended to read as follows:

In any county wide election held hereunder the vote of such county as a whole shall not control the status of any city therein with respect to whether or not the traffic in alcoholic beverages, or any kind or type thereof, shall be permitted or prohibited in such city but such question shall be determined by the vote cast in such city in that election. If at any such election a majority of the constitutionally qualified voters of a city within such county, voting at such election, shall vote "no" on any one or more of the propositions provided for in KRS 242.050 no license authorizing the business covered by such proposition or propositions shall be issued in such city. If at such election a majority of the constitutionally qualified voters of such city voting at such county wide election shall vote "yes" on any one or more or such propositions, licenses authorizing the business covered by such proposition or propositions may be issued in such city.

10. Section 242.220 of the Kentucky Revised Statutes is amended to read as follows:

Any licensee, whose license has been terminated as the result of an election as herein provided, shall be entitled to a refund from the county or city to which the license fee was paid of that part of the license fee proportionate to the unexpired period of the license.

11. Section 242.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall sell, barter, loan, give, procure for or furnish another, or keep or transport for sale, barter or loan, directly or indirectly, any alcoholic beverage contrary to the provisions of law.

(2) No person shall possess any alcoholic beverage unless it has been lawfully acquired and is intended to be used lawfully, and in any action the defendant shall have the burden of proving that the alcoholic beverage found in his possession was lawfully acquired and was intended for lawful use.

12. Section 242.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, while representing either the buyer or seller, shall distribute, solicit, or receive contracts, proposals or orders for the purchase or sale of any alcoholic beverage, or distribute any poster or any handbills advertising such alcoholic beverage in any election unit while the sale at retail of such alcoholic beverage is prohibited therein.

(2) Each act of distributing, soliciting or receiving such contracts, proposals or orders as denounced in subsection (1), and each day in which such advertising matter is distributed, shall constitute a separate offense.

(3) This chapter shall not prevent any manufacturer of or wholesale dealer in alcoholic beverages, or any authorized agent of either, from making contracts of barrel, case or package lots in any territory where the sale at retail of the product manufactured or handled by him is prohibited by law, if his distilleries, breweries, wineries or warehouses are located in that territory and his products are to be shipped into territory, either within or without the state where alcoholic beverages may lawfully be sold.

13. Section 242.260 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person or public or private carrier to bring into, transfer to another, deliver or distribute any alcoholic beverage in any territory wherein the sale at retail of such alcoholic beverage is prohibited. Each package of such beverage so brought, transferred, or delivered in such territory shall constitute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer or any authorized agent of a distiller, manufacturer, or wholesale dealer from transporting or causing to be transported by a licensed carrier any alcoholic beverage to their distilleries, breweries, wineries or warehouses where the sale of such beverages may be lawful, either in or out of the state.

14. Section 242.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall sell or deliver any alcoholic beverage that is to be paid for on delivery, in any territory wherein the sale at retail of such alcoholic beverage is prohibited.

(2) Such transactions shall be deemed sales at the place where the money is paid or the goods delivered.

15. Section 242.280 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person in a territory wherein the sale at retail of any kind or type of alcoholic beverage is prohibited, to receive or accept any such kind or type of alcoholic beverage from a common carrier or from any person who has transported such beverage in or into such territory for compensation, hire or profit of any kind whatsoever either directly or indirectly. Each and every package of said alcoholic beverage so received or accepted shall consti-

tute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer of alcoholic beverages or any authorized agent of a distiller or manufacturer or wholesale dealer from receiving or accepting any alcoholic beverages which are to be sold in a territory where the sale of such beverages may be lawful either in or out of the state.

16. Section 242.290 of the Kentucky Revised Statutes is amended to read as follows:

KRS 242.260 and 242.280 shall not apply to the transportation of alcoholic beverages through any territory in this state to a point in some other state, or to a point in this state where alcoholic beverages may be lawfully sold; or to the receipt or acceptance by a common carrier from a manufacturer for transportation to a point in another state or to a point in this state where alcoholic beverages may lawfully be sold.

17. Subsection (1) of 242.310 of the Kentucky Revised Statutes is amended to read as follows:

Any person knowingly or intentionally renting or permitting the use of, or using, any premises, or part thereof, or any vehicle for the purpose of unlawfully selling or transporting or possessing alcoholic beverages shall be guilty of a nuisance and of a violation of this chapter.

18. Subsection (1) of Section 242.360 of the Kentucky Revised Statutes is amended to read as follows:

When a peace officer discovers any person in the act of illegally possessing or transporting alcoholic beverages in any vehicle, he shall at once seize the vehicle and any and all alcoholic beverages found in it and arrest any person or persons in charge thereof.

19. Section 242.430 of the Kentucky Revised Statutes is amended to read as follows:

The indictment charging the sale of alcoholic beverage in any territory where the sale of such alcoholic beverage is prohibited by virtue of an election held as provided by this Chapter need not allege that a vote was taken or an election held in the territory where the offense is alleged to have been committed but it may simply allege that the sale charged was committed in territory where such sale is prohibited by law.

20. Section 243.040 of the Kentucky Revised Statutes is amended to read as follows:

The following kinds of malt beverage licenses may be used by the Administrator of the Malt Beverages Unit, the fees for which shall be:

(1)	Brewer's license, per annum	$1,000.00
(2)	Distributor's license, per annum	100.00
(3)	Class A Retail license, per annum	10.00
	Class B Retail license, per annum	25.00
(4)	Dining car license, per annum	25.00
(5)	Transporter's license, per annum	5.00
(6)	Special temporary license, per month or part of month	4.17
(7)	Such other special licenses as the state board finds to be necessary for the administration of KRS Chapters 241, 243, and 244 and for the proper regulation and control of the trafficking in malt beverages, which may be provided for by regulation and adopted by the state board.	

Applicants for special licenses provided for under the authority granted in subsection (7) may be exempt from so much of the provisions of subsection (3) of KRS 243.100 and

subsection (3) of KRS 244.090 as the board by regulation prescribes.

21. Section 243.070 of the Kentucky Revised Statutes is amended to read as follows:

The city legislative body of any city in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only such licenses may be issued as correspond, in their provisions and the business authorized, to the licenses provided for in subsections (1), (2), (3), (5), (6), (7), (15) and (16) of KRS 243.030 and sections (1), (2), (3) and (6) of KRS 243.040. The fees imposed shall not exceed twice the amount of the fees imposed in KRS 243.030 and 243.040 for such licenses, except that the fee for a malt beverage Class B retail license may be fixed at not exceeding two hundred dollars, the fee for a brewer's license shall not exceed five hundred dollars, and the fee for a distiller's license shall not exceed five hundred dollars.

22. Subsection (2) of Section 243.220 of the Kentucky Revised Statutes is amended to read as follows:

(a) No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises and the entrance to the premises are on the street level and located in a business center or on a main thoroughfare.

(b) Paragraph (a) of this subsection shall not apply to a hotel, club or restaurant which has been bona fide in business as a licensee in premises located above or below the ground floor for at least one year preceding the date on which its application for a license is made. In the class of cases described in this paragraph the administrator to whom the application is made may, in the exercise of his sound discretion, decide whether the premises are to be licensed. Pro-

vided further that the provisions of paragraph (a) of this subsection shall not apply to the issuance of malt beverage Class A retail licenses.

23. Section 243.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Licenses to sell distilled spirits and wine by the drink for consumption on the premises may be issued only for premises located within cities of the first, second or third class, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 or KRS 70.150 to 70.170.

(2) Licenses to sell distilled spirits or wine by the package may be issued only for premises located within incorporated cities, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 or KRS 70.150 to 70.170.

(3) Notwithstanding subsection (2), the board may, after a field investigation, issue a license to sell distilled spirits and wine by the package at premises not located within any city if:

(a) Substantial aggregations of population would otherwise not have reasonable access to a licensed vendor; provided, however, that the population aggregation meets the requirements of a sixth class city as set out in KRS 81.040.

(b) The premises to be licensed under this subsection shall be used exclusively for the sale of distilled spirits and wine by the package and will not be used in any manner, in connection with a dance hall, roadhouse, restaurant, store or any other commercial enterprise, except as a drug store in which a registered pharmacist is employed; and

(c) The part of any premises to be licensed under this subsection which is available to the public shall not, except in the case of a drug store, exceed one hundred square feet of floor space and shall not contain any chairs, benches, stools or similar furniture or fixtures.

(4) No retail package or drink license for the sale of distilled spirits or wine shall be issued for any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline and lubricating oil.

24. Section 243.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) A malt beverage Class A retail license shall be issued only for premises used in the operation or conduct of a bona fide grocery store which is located within an incorporated city or elsewhere in counties containing a city of the first, second, or third class if those counties maintain a police force under the provisions of KRS 70.150 to 70.170 or KRS 70.540 to 70.570. The term "grocery store" means and includes any retail establishment commonly known as a grocery store, general store, or a delicatessen where staple groceries are sold for consumption off the premises.

(2) Malt beverage Class B retail licenses shall be issued only for premises located within an incorporated city or elsewhere in counties containing a city of the first, second or third class if those counties maintain a police force under the provisions of KRS 70.150 to 70.170 or KRS 70.540 to 70.570. Provided, however, that no malt beverage Class B retail license shall be issued for any premises used as or in connection with the operation of a grocery store as herein defined.

(3) Notwithstanding subsections (1) and (2), the board may, after a field investigation, issue licenses for the sale of malt beverages at premises not located within any incorporated city if:

(a) Substantial aggregations of population would otherwise not have reasonable access to a licensed vendor; provided, however, that such population aggregation meets the requirements of a sixth class city as set out in KRS 81.040.

(b) The premises to be licensed are not to be used in any degree or manner in connection with a retail package liquor store, dance hall or any place of business commonly known as a roadhouse.

25. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.281, reading as follows:

A malt beverage Class A retail license shall authorize the licensee to purchase, receive, possess, sell and deliver malt beverages at retail in unbroken packages only and only for consumption off the premises. Such a licensee shall purchase malt beverages in retail packages only and only from a brewer or distributor.

26. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.282, reading as follows:

A malt beverage Class B retail license shall authorize the licensee to sell malt beverages at retail on and from the licensed premises only and to purchase malt beverages only from a brewer or distributor.

27. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.591, reading as follows:

No holder of a distilled spirits and wine retail drink license or malt beverage Class B retail license, or any servant, agent, or employee of the licensee shall do any of the following upon the licenseed premises.

(1) Sell alcoholic beverages to a minor.

(2) Sell alcoholic beverages to any person while such person is in an intoxicated condition.

(3) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon on any day or at any time when such sale or consumption is prohibited by law.

(4) Permit any known prostitute to frequent the licensed premises.

(5) Permit on the licensed premises any disorderly conduct, breach of the peace, or any lewd, immoral, or improper entertainment, conduct or practices.

(6) Sell, offer for sale, possess or permit the consumption on the licensed premises of any kind of alcoholic beverages, the sale or possession of which is not authorized under his license.

28. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.592, reading as follows:

Proceedings for the revocation or suspension of any distilled spirits and wine retail drink license or malt beverage Class B retail license may be filed in the Circuit Court of the county in which the licensed premises are located. Such proceedings shall be entitled in the name of the Commonwealth and against the licensee and shall be instituted by

filing a petition with the clerk of said court. Said petition may be filed by the county attorney of the county upon his own initiative and it shall be mandatory upon said county attorney to file such a petition when requested to do so by a peace officer or any person as hereinafter provided. Any peace officer who learns that any distilled spirits and wine retail drink licensee or malt beverage Class B retail licensee within his jurisdiction has violated any of the provisions of KRS 243.591 shall file with the county attorney of the county in which the licensed premises are located an affidavit specifying in detail the facts alleged to constitute said violation, and requesting that a petition be filed against said licensee for the revocation or suspension of his license. A like affidavit may be filed with the county attorney by any person who resides, and has for at least one year prior thereto resided within two miles of the licensed premises of such a licensee, requesting that a petition be filed for the revocation or suspension of said licensee's license. Promptly upon receiving any such affidavit the county attorney shal lprepare a proper petition, which shall be signed and sworn to by the person or persons filing the affidavit with him, and the county attorney shall file the petition with the clerk of the said circuit court.

29. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.593, reading as follows:

Upon a petition being filed with the clerk of the court, the clerk shall immediately issue a summons for the licensee. The summons shall be returnable in the same manner as summons in equity cases. The case shall be set down by the court for as early a day as possible for a hearing, and shall in all respects be expedited in the same manner as a declaratory judgment suit. For the purpose of trial of said proceedings the circuit courts shall be courts of continuous session and hearing thereof may be set by the court in its dis-

cretion at any convenient place in the judicial district. The clerk of the court shall immediately forward to the State Alcoholic Beverage Control Board a copy of the petition and shall upon final adjudication by the court forward to the said Board a copy of the final order or decree of the court.

30. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.594, reading as follows:

The said petition shall be heard by the court without a jury. If the court shall find upon the hearing that the offense or offenses charged in the petition have been established by the evidence, the court shall enter a judgment directing the revocation or suspension of the license. In any such judgment the court may, upon request theretofore made, tax a reasonable fee of not exceeding Fifty ($50.00) Dollars for the benefit of the county attorney as part of the costs of said proceedings to be paid by the defendant. Unless the court finds that the licensee has previously violated the law in the operation of his licensed business or that a license authorizing the sale of alcoholic beverages held by him has previously been suspended or revoked, and if it appears to the satisfaction of the court that there is reasonable ground to expect that the licensee will not again commit the offense or offenses charged in the petition and that to revoke the license would be unduly severe, then the court may suspend the license for such period of time as the court deems proper. Provided, however, that if the licensee has previously had his license suspended or revoked, it shall be mandatory upon the court upon a finding of guilty to revoke the said license. The judgment of the court revoking or suspending such license shall not be superseded or stayed during the pendency of an appeal therefrom. Any party aggrieved by a judgment of the court may appeal to the Court of Appeals in the same time and manner that appeals are taken under Section 639-a-5 of the Civil Code. Provided, that the court which rendered the

judgment may, in its discretion, if the ends of justice so require, at the time the appeal is taken, make an order suspending or modifying the execution of the judgment during the pendency of the appeal, upon such terms as to bond or otherwise as may be proper for the security of the rights of the public. Either party, within twenty (20) days from the entry of such order, may take a transcript of the record to the Court of Appeals and, upon reasonable notice to the other party, move the Court of Appeals, or, if in vacation, any judge thereof, to revise the order of the lower court, and finally determine how far the execution of the judgment shall be suspended or modified pending the appeal. Pending such application to the Court of Appeals or judge thereof, but not longer than twenty (20) days, the status existing immediately before the entry of the judgment appealed from shall be maintained, and the lower court shall so provide in the judgment upon the request of either party.

31. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.595, reading as follows:

After the filing of a petition with the clerk of the court for the revocation or suspension of a license, as hereinbefore provided, the court shall retain jurisdiction to hear and determine such petition and to enter judgment revoking or suspending such license. For the purpose of such hearing and as to the effect of the judgment of the court entered pursuant thereto, the license shall be in full force and effect even though the licensee, after the filing of such petition, may have surrendered his license, or such license may have expired, or the rights of the licensee thereunder may have otherwise terminated. It is the purpose of this section to preclude the licensee from avoiding the effect of a judgment of revocation by a court by reason of conditions arising subsequent to the filing of a petition.

32. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.596, reading as follows:

It shall be the duty of the county attorney to file petitions as herein provided and prosecute diligently and without delay all petitions filed by him. A failure to perform such duty shall be ground for his removal from office under the provisions of KRS 61.170.

It shall be the duty of all peace officers to enforce within their jurisdiction the provisions of KRS 243.591 above and they shall frequently visit all such licensed premises within their jurisdiction to determine whether such licensees are complying with the laws; and shall promptly investigate all complaints made to them by any citizen relative to any alleged violations of KRS 243.591 within their jurisdiction. When any peace officer has knowledge of a violation of KRS 243.591 committed by a licensee within his jurisdiction, it shall be his duty forthwith to file an affidavit with the county attorney as herein provided requesting that a petition be filed for the revocation or suspension of the license of said licensee. The failure of any peace officer to perform the duties imposed upon him herein shall be grounds for his removal from office as provided by KRS 61.170.

33. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.597, reading as follows:

The jurisdiction herein conferred upon the circuit court to hear and determine petitions for the revocation or suspension of licenses shall not be exclusive and any authority conferred on the State Alcoholic Beverage Control Board to revoke or suspend licenses shall remain in full force and effect, and, in addition thereto, the Board shall have the same authority to revoke or suspend licenses for violations of KRS 243.591 that is conferred upon the circuit courts by the provi-

sions of KRS 243.594. Provided, however, that when a petition is filed with the court any proceedings which may then be pending before the said Board against the same licensee on the same charges shall abate but only pending final disposition by the court, and no proceedings for the revocation or suspension of a license for a violation of the provisions of KRS 243.591 shall be filed with the Board when proceedings are pending before the court against the licensee on the same charges. The revocation or suspension of a licensee's state license by the court or by the Board shall automatically revoke or suspend any municipal or county license held by such person. The revocation or suspension of a licensee's license as herein provided shall be in addition to and not in lieu of or limitation of any other penalty imposed by law.

34. Subsection (1) of Section 244.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person holding any license under KRS 243.020 to 243.670 shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:

(a) Has been convicted of a felony or of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors, within the last two years.

(b) Is under the age of twenty (20) years, except in a bottling house or room of a licensed distiller, vintner or brewer or rectifier and except in an office of a wholesaler or manufacturer maintained in a building separate from the warehouses or factory, and except in a grocery store owned and operated by the holder of a malt beverage Class A retail license.

(c) Is not a citizen of the United States or has not had an actual bona fide residence in this Commonwealth for at least one year next before the date of his employment, pro-

vided the above residence requirement shall not apply to persons employed by distillers, brewers, operators of dining cars or transporters engaged in interstate commerce.

(d) Within two years prior to the date of his employment has had any license issued under KRS 243.020 to 243.670 or under any other Act or ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause, or has been convicted of a violation of any of the provisions of Chapter 241, 243 or 244 or of any other such Act or ordinance.

35. Section 244.110 of the Kentucky Revised Statutes is amended to read as follows:

The entrance doors of any premises for which a retail license has been issued shall be of clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises are not on the street level, from the entrance. No partition, box, stall, screen, curtain, or other device shall obstruct the view or the general observation of persons, but partitions, subdivisions or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or dinners or where meals are served. The provisions of this section shall not apply to a grocery store owned and operated by the holder of a malt beverage Class A retail license.

36. Subsection 18 of KRS 241.010, KRS 242.090, 242.130 to 242.180, inclusive, 242.200 and 242.400 are repealed.

By Mr. Howard.

H. B. 244. An Act relating to nomination of candidates for judicial offices.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 119.070 is amended to read as follows:

(1) The provisions of KRS 119.050 do not apply to candidates for judge of the Court of Appeals or to candidates for judge of the circuit court or to candidates of county judge. For such judicial positions any eligible person may become or be proposed as a candidate for nomination by any and every political party having a ticket to be voted for in the district for which the office is to be filled, but such persons shall not be required to seek such nominations nor to make a declaration of party loyalty or support, and as a requirement for such nomination shall not be required to have registered as affiliated with any political party or to have registered at all as a voter. The nomination or nominations may be proposed for an eligible candidate either by resolution of the proper committee, or by the application to two reputable electors, of any political party whose nomination is sought. The resolution or application shall be filed as provided by KRS 119.080 for other nomination papers. The name of a candidate shall not be placed upon the ballot if, before the preparation of the ballots, he files with the officer with whom the nomination papers were filed a written objection, signed and sworn to by him.

By Mr. Anderson.

H. B. 245. An Act relating to education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 158.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each board of education shall maintain separate schools for the white and Colored children residing in its district.

(2) Except as provided in subsection (3) of this section,

(a) No person shall operate or maintain any college, school or institution where persons of both the white and Colored races are received as pupils.

(b) No instructor shall teach in any college, school or institution where persons of both the white and Colored races are received as pupils.

(c) No white person shall attend any college, school or institution where Colored persons are received as pupils or receive instruction.

(d) No Colored person shall attend any college, school or institution where white persons are received as pupils or receive instructions.

(3) The provisions of this section do not apply to any penal institution or house of reform, nor is this section intended to prevent instruction in courses of graduate grade or on the professional level, in any institution of higher learning for white or Colored students, or in any such institution where peoples of the two races are taught professional or graduate courses of study.

Section 2. That section 158.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of paragraph (a) or (b) of subsection (2) of KRS 158.020 shall be fined one thousand dollars, and any person who continues

to violate such provisions after being convicted shall be fined one hundred dollars for each day the violation continues.

(2) Any person who violates any of the provisions of paragraph (c) or (d) of subsection (2) of KRS 158.020 shall be fined fifty dollars for each day the violation occurs.

(3) Any person who violates any of the provisions of KRS 158.180 shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the County jail for not less than thirty days nor more than six months, or both.

(4) Failure of a teacher to conform to KRS 158.170 is caused for revocation of his certificate.

By Mr. Cornett.

H. B. 246. An Act providing for the amending of the Constitution of the Commonwealth of Kentucky, relating to a new section—election of officers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended through the enactment of the following new section:

Notwithstanding provisions of this Constitution that certain officers shall be ineligible for reelection for a succeeding term, beginning in 1947 any elective officer otherwise qualified shall be eligible for reelection at the end of his term of office.

§ 2. This amendment shall be submitted to the people in the manner provided by Section 256 and 257 of the Con-

stitution of Kentucky and by Section 118.430 of the Kentucky Revised Statutes.

By Mr. Anderson.

H. B. 247. An Act relating to the higher education for negroes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. THAT Section 166.160 and 166.170 of Chapter 166 of the Kentucky Revised Statutes be, and the same are, amended and reenacted so that, as amended and re-enacted, the same shall read as follows:

"SECTION 166.160 (1) TUITION paid in schools outside Kentucky. All bona fide residents of this state who have been such residents continuously for one year next preceding application for aid pursuant to this section, and who are duly qualified to pursue courses of study offered at state institutions that they cannot attend because of section 187 of the Constitution and not offered at other state institutions, shall have their tuition and fees paid by the Commonwealth of Kentucky at educational institutions outside of Kentucky which they attend for the purpose of pursuing such courses."

"SECTION 166.170. (2) Rules concerning tuition, amount allowed. The State Board of Education shall prescribe rules and regulations governing the granting of aid under Kentucky Revised Statutes 166.160. The tuition and fees shall be ascertained by the Superintendent of Public Instruction and paid upon his requisition out of funds appropriated for that purpose. If the funds appropriated for the purpose in any year are insufficient, the State Board of Education may prorate the funds among the persons whose appli-

cations are approved. Not more than $350.00 shall be allowed to any person under the provisions of this section and Kentucky Revised Statutes 166.160 during any one school year of nine months.

By Mr. Patterson.

H. B. 248. An Act relating to registration and purgation of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 117.420 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing cities of the first class, each member of the county board of registration and purgation shall receive $1,200 per annum, to be paid by the fiscal court in monthly installments. In counties that do not have a city of the first class, each member of the board shall receive five dollars per day, for not more than ten days each year. In counties having a city of the first class, the board may meet at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges continuously from the date that the registration books are closed before any primary or regular election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county unless the persons affected by the meeting are given written notice of its time and place.

By Mr. Copeland.

H. B. 249. An Act relating to procedure for assessing property for taxation in cities of the second class.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) The assessor in each city of the second class shall assess in one book all property subject to city taxation, and in making the assessment for any year shall assess any property subject to taxation that he finds to have been omitted in any former year.

(2) On or before July 1 of each year the city assessor shall give notice, by advertisement in the official newspaper of the city and by handbills posted throughout the city, that all persons owning real estate on July 1 and all persons owning or having in their possession or under their control on July 1 any personal property subject to city taxation shall, before September 1, appear at the assessor's office and furnish him a true and complete list of the property, with its true cash value as of July 1, under oath, upon forms to be furnished by the assessor on application at his office, and that all merchants doing business in the city shall, in like manner, in addition to listing their personal property, state the highest amount in value of all merchandise owned or kept on hand for sale by them during the three months next preceding July 1. The Assessor and his deputies may administer oaths and examine any person on oath concerning his real and personal property and its form, and may examine merchants as to the statements required of them. The assessor may also gather information from other means.

(3) For the purpose of assessing property for taxation, the assessor shall keep his office open, with himself or a deputy in attendance, during the hours from 8 A. M. to 6 P. M., or such other or additional hours as are fixed by ordinance, from

July 1 to September 1, except Sundays and legal holidays. The assessor shall constantly keep on hand, and furnish to persons lawfully requesting them, all necessary blanks and forms for the lists and statements required by this section.

(4) If any taxpayer is an artificial person, its chief officer or agent in the city at the time shall perform the duties imposed upon the taxpayer by this section.

(5) On and after September 1 of each year and until the date fixed by ordinance for the closing of the assessment books, it shall be the duty of the assessor personally or through deputies to see in person or to call at the residence, usual place of abode or business place of all taxpayers who have not listed their property by appearing at the assessor's office for that purpose prior to September 1 or whose property is not well known to him, and the assessor or his deputies shall secure the assessment list by making such calls and shall view the property when practicable to do so.

(6) Any person who fails or refuses to supply the assessor or his deputies with a complete list of his property and the value thereon when called upon at his residence, usual place of abode or place of business may be subject to a fine to be fixed by ordinance but not exceeding Fifty and No/100 ($50.00) Dollars.

(7) On or before December 1 of each year the assessor shall return to the auditor his assessment books, certified by him to be a full, careful and honest assessment of all property in the city subject to assessment. He shall take the auditor's receipt therefor in duplicate, and shall transmit one of the duplicates to each board of the general council at its first regular meeting in December. The assessment books and reports shall remain in the auditor's office, subject to public inspection, until transmitted to the board of equalization.

By Mr. Steinford.

H. B.-250. An Act providing for the creation of a civil service commission for county patrolmen in counties containing cities of the second class.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1

Definitions. As used in this Act, the following words and terms shall have the following meaning:

(a) *"Patrolmen,"*—Any person or persons, who is or may be employed as a police officer by the Fiscal Court in any county, wherein the provisions of this act are effective.

(b) *"Commission,"*—The word "commission" shall mean a board of Civil Service Commissioners, as established under the terms of this Act.

(c) *"Trustees,"*—The word "trustees" shall mean a Board of Pension Fund Trustees, as established under the terms of this Act.

(d) *"Pension Fund,"*—The term "pension fund" shall mean the monies derived from the patrolmen affected by the provisions of this Act and the levy of a tax under the provisions hereof and any other sum derived from whatever source by gift or otherwise, to be used for the retirement of patrolmen after the prescribed number of years of service and for the benefit of disabled patrolmen and for the benefit of their widows and dependent children, in case of the death of a County Patrolman within the scope of his employment, according to the terms of this Act.

Section 2

That any County of the Commonwealth of Kentucky, containing a city of the second class, may, by an order of its fiscal court, duly made and entered of record, create a Civil Service Commission, whose duties it shall be to hold examination as to the qualifications of applicants for County Patrolmen, within the provisions of this Act.

When any county elects, as heretofore prescribed, to operate under the provisions of this Act and levies a tax for the creation of a pension fund and accepts from its county patrolmen in employment, a portion or percentage of their wages, as provided by the terms of this Act, an inviolable contract shall be created and be in existence by and between the county and its county patrolmen and their successors.

The County Judge, subject to the approval of the Fiscal Court, of the County, may appoint three (3) persons, who shall constitute the Civil Service Commission of such county. Each appointee shall be at thirty (30) years of age and not related by either blood or marriage to either the County Judge or any member of the Fiscal Court of the County. Such appointees shall originally be appointed for one, two and three years respectively and the successors of such appointees shall be appointed in like manner, each for a period of three years. Any member of the Civil Service Commission shall be eligible for reappointment. Vacancies shall be filled for the unexpired term in the same manner as the original appointments.

The appointee who has been originally appointed for the term of three (3) years, shall be Chairman of the Commission. Each appointee, before entering upon the discharge of his duties, shall qualify by subscribing, taking and filing an oath of office as required by law.

The salary of the members of the Commission may be fixed by the Fiscal Court of the County, not to exceed the maximum amount prescribed by law.

Section 3

Organization of the Commission. Upon the appointment and qualification of the members of the Commission, as provided by this Act, they shall meet within three weeks of their appointment and elect their Chairman and adopt such rules, regulations and by-laws as they see fit for the proper conduct of their offices.

Section 4

Powers and Duties of the Commission. The Civil Service Commission shall prescribe and propound such examinations as may be deemed commensurate with the nature of the duties of a county patrolmen and shall set such times and places for holding such examinations as may be fit and proper and shall give public notice of such examinations to be conducted, at least ten days in advance thereof, by causing a notice to be printed once in a newspaper of general circulation within the county, containing all of the facts pertaining thereto.

The Civil Service Commission shall, as soon after all such examinations as is practicable, certify to the County Judge of the County, a list of the applicants so examined and they shall be ranked and graded according to the result of such examination, and the highest averages shall be ranked first and all others in numerical order according to the result thereof.

Section 5

Appointment to be made by the County Judge. The County Judge shall make all appointments to the positions of county patrolmen, and the appointments so made shall be taken from the lists of applicants furnished him by the Civil Service Commission after examination. Appointments to the various positions shall be made by the selection of one of the three holding the highest average, so certified by the Commission.

Section 6

Present Patrolmen in service one year. County Patrolmen, who, at the time the provisions of this Act are adopted, have been in the employ of such county as a county patrolman for one year immediately preceding the adoption and effective date of this Act, shall not be required to take an original examination and they shall be considered eligible for all of the benefits provided by this Act.

Section 7

Qualification of Applicants for County Patrolman.

The Civil Service Commission shall examine all applicants for county patrolmen as to their physical and mental qualifications. No person shall be eligible to take the examination who is not a registered voter within the County, nor a person of sobriety and integrity and had been and is a law-abiding citizen; nor shall any person be appointed as a county patrolman on account of political partisan service rendered by him, or on account of political sentiment or affiliation or who is over fifty (50) years of age, nor shall any such person be removed or discharged or reduced in grade or pay for any political opinion concerning any public issue, but this does not include any opinion or choice of any candidate for office. All applicants must be twenty one (21) years of age, or older and must be able to read, write and understand the English language.

Section 8

Removal of County Patrolmen. No county patrolmen of the county shall be removed, suspended, reduced in grade or pay, for any reason, except inefficiency, misconduct, insubordination or violation of law or any rule or regulation adopted by the Civil Service Commission. Any person may prefer charges in writing against any county patrolman, which must be filed in the office of the County Judge, who shall

thereupon communicate said charges, without delay, to the Fiscal Court of the County. Said charges must be signed by the person making the same and must set out with clearness and distinctness, each and every charge. It shall be the duty of the County Judge, whenever probable cause appears, to prefer charges against any County Patrolman, whom he believes to have been guilty of any conduct justifying his removal or punishment in the interest of public order. Upon the filing of said charges, the Judge of the County Court, shall notify the members of the Fiscal Court thereof and within three (3) days after the filing of same, they shall proceed to hear said charges. A copy of said charges shall be served upon the accused patrolman, together with a statement of the date, place and hour at which and when the hearing of same shall begin.

Upon the hearing, said charges shall be considered traversed and put in issue, and the trial shall be confined and limited to the issues so presented by the written charges. The accused may, however, in writing, waive the services of said charges and demand trial within three (3) days after same have been filed with the Judge of the County. The Fiscal Court hearing said charges, shall have the power to summon and compel the attendance of witnesses at all hearings or sittings, by subpoena, issued by the County Court Clerk and served upon said witnesses by any sheriff or deputy sheriff or other person authorized by law to serve process. The Fiscal Court hearing such charges shall have the power of a Justice of the Peace to punish for contempt. The accused employe shall have the right to have subpoenaed in his behalf any witness or witnesses he may desire upon furnishing their names to the clerk of the County Court. The action and decision of said Fiscal Court on said charges shall be reduced to writing and shall be kept in a book for that purpose, and the written charges shall be preserved and securely attached to the book containing the body's decision.

In cases where the Judge of the County Court has probable cause to believe that any County Patrolman has been guilty of any conduct justifying his removal or punishment, he shall immediately suspend such county patrolman from duty or from both pay and duty pending said trial and said County Patrolman shall not be placed on duty or allowed pay thereafter until the charges are heard by the Fiscal Court as prescribed under the terms of this Act.

The Fiscal Court of the County after hearing such charges shall fix the punishment of any county patrolman found guilty of any charge under this Act, by reprimand or a suspension for any length of time, in their judgment, not to exceed six (6) months or by reducing the grade if said county patrolman's classification warrants same, or by combining any two or more of said punishments, or by removing or dismissing from the service of the county any county patrolman so found guilty.

Any County Patrolman, except as provided in this Act, shall not be reprimanded, removed, suspended or dismissed.

Section 9

Appeal to the Circuit Court and Court of Appeals.

Any County Patrolman of the County who shall be found guilty by the Fiscal Court or any charge as hereinbefore provided, shall have the right to appeal to the Circuit Court of the County, wherein such charges are held, provided the punishment be a suspension of more than thirty (30) days, or the reduction in grade if his classification warrants, or his removal or dismissal from the County employment, provided, however, the enforcement of the judgment of the Fiscal Court upon said charges, shall not be suspended, pending said appeal.

Upon the written request of the person accused and the payment of costs therefor, the Clerk of the County Court shall file a certified copy of the charges made and the judg-

ment or finding of said Fiscal Court in the Circuit Court, which transcript having been filed, the cause shall be docketed in the Circuit Court and tried de novo. Should the Clerk of the County fail to certify and transmit the transcript aforesaid to the Circuit Court, within five (5) days after the request is made for same, then the aggrieved person may file an affidavit in said court setting out as fully as possible the charges made at the time of trial and judgment, together with a statement of fact that demand for the transcript had been made to the Clerk of said County more than five days prior to filing of said affidavit. Upon the filing of said affidavit in the Circuit Court, said cause shall be docketed in said court and the Circuit Court is hereby authorized to compel the filing of said transcript by said Clerk by entering proper mandatory orders and upon the failure of the Clerk so to do, he shall be liable to fine and imprisonment as in other cases of contempt. Such appeal shall have precedence over other business, and be taken up and determined speedily. An appeal shall lie from the judgment of the Circuit Court to the Court of Appeals as in other cases, provided the original punishment fixed by the Fiscal Court of the County be removal or dismissal of the accused.

Section 10

Number of County Patrolmen, Salaries.

The number of County Patrolmen and the classification thereof shall be such as may now or in the future be prescribed by law and the Fiscal Court of the County shall fix by proper orders the salaries of each classification thereof in conformity with the laws of Kentucky as at present in force.

Section 11

Board of Pension Fund Trustees.

There may be organized a Board to be known as The Board of Trustees of the County Patrolman's Pension Fund,

which shall be composed of the Judge of the County Court, the Treasurer of the County and the Chief of the County Patrolmen, and said Board shall elect from their number a President and Secretary. The County Treasurer shall be ex-officio Treasurer of said Board and custodian of its funds.

Section 12

Tax Levy, Service Records, Gifts, Investment of Funds.

There may be levied and set apart by the Fiscal Courts of Counties, containing cities of the second class, a tax for the first year after the adoption of this Act by any such county, and each year thereafter, not exceeding ½ cent on each $100.00 value of taxable property in said counties, for the pension of any county patrolmen, as defined in this Act who has served continuously in such county employment for at least a period of twenty (20) years and who shall retire from the service after said period, and for the purpose of pensioning any county patrolman who may become permanently crippled, while in the service and on duty, and for the further purpose of pensioning the widow or dependents, children under the age of fourteen (14) or either of them or any county patrolman who may lose his life while in the service and on active duty and all rewards, fees, proceeds, gifts and emoluments that may be paid or given on account of extraordinary service of any county patrolman, shall be paid into the county patrolmen's pension funds. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund to be called the County Patrolmen's Pension Fund, and said Board of Trustees of the County Patrolmen's Pension Fund is hereby declared to be Trustees of said fund, and they shall have power and it shall be their duty from time to time to invest the same in whole or in part as they shall deem most advantageous for the objects of the said fund, and they are empowered to make all the necessary contracts and to take all necessary remedies in the premises.

Section 13

Powers of Board of Trustees—Assessments of Employees.

Said Board of Trustees of the County Patrolmen's Pension Fund shall have exclusive control and management of the said fund and all monies donated, paid or assessed for the relief or pensioning of retired, crippled or disabled County Patrolmen or their widows or dependent children under the age of fourteen (14) years or dependent fathers or mothers of any such County Patrolman killed in the services and while on duty and may assess each such County Patrolman 2 per centum of the salary of such County Patrolmen to be deducted and withheld from the monthly pay of each member, so assessed. The same to be placed by the Treasurer of such county to credit of such fund, subject to the order of said board.

Section 14

Rules and Regulations.

The said Board of Trustees of the County Patrolmen's Pension Fund shall have all needful rules and regulations for its government in the discharge of its duties and shall hear and decide all applications for relief or pensions under this Act, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal, except by said Board and a record shall be kept of all the meetings and proceedings of said Board.

Section 15

Character of Investment of Pension Fund.

The said Board of Trustees of the County Patrolmen's Pension Fund, shall have the power to draw such pension fund from the Treasury and may invest the same or any part thereof in the name of the Board of Trustees of the County Patrolmen's Pension Fund, in interest bearing bonds of the

United States, of the State of Kentucky, or any county or any city of the first, second, third or fourth classes in the State of Kentucky, or in any securities in which Trustees or Guardians are permitted to invest trusts or guardianship funds under the laws of the State and all such securities shall be deposited with the Treasurer of said County as ex-officio Treasurer of said Board and shall be subject to the order of the said board.

Section 16

Both Principal and Interest to Apply.

Both the principal and interest of said pension fund shall be applicable to the payment of pensions under the provisions of this Act.

Section 17

Pension for Disabled County Patrolmen.

Pension for Dependents of County Patrolmen killed while in service and on duty.

Amounts.

If any County Patrolman, while in the performance of his duties becomes temporarily, totally disabled, physically or mentally, for services, by reason of service rendered, the Board of Trustees shall order the payment to such disabled county patrolman monthly during such disability, not to exceed one year, from such pension fund a sum not to exceed $50.00 per month;—the amount to be determined by the Board of Trustees, provided such County Patrolman during the same period is paid no salary as such County Patrolman.

If any County Patrolman, while in the performance of his duty becomes mentally or physically permanently disabled, by reason of the services rendered, so as to render necessary his retirement from such service, said Board of Trustees shall retire such disabled County Patrolmen from further employment, provided no such retirement on account of disability

shall occur, unless said employee has contracted said disability while on duty in the service of the County. And upon such retirement the Board of Trustees shall order the payment to such disabled County Patrolman monthly from such pension fund a sum equal to one-half of the monthly compensation allowed to such county patrolman as salary at the date of his retirement.

If any County Patrolman shall, while in the performance of duty, be killed or die as a result of any injury received in the line of duty, or if any disease is contracted by reason of his occupation as a result of service rendered and while in said service, or after having served for fifteen (15) consecutive years shall die while in the service or on the retired list from any cause and shall leave a widow or child or children under the age of fourteen (14) years, said Board of Trustees shall direct the payment from said pension fund monthly to such widow while unmarried of $30.00 and for each child until reaches the age of fourteen (14) years, $6.00 and to the dependent father or mother if said deceased employee was unmarried and childless—$30.00.

The pension to the father and mother is to be paid as follows:

If the father be dead, the mother shall receive the entire $30.00 and if the mother be dead, the father shall receive the entire $30.00 and if both be living, each shall receive $15.00.

No County Patrolman shall be entitled to the pension benefits hereunder on account of service, unless he shall have been employed by the county for a period of at least five (5) years from and after the election of any county to proceed under the provisions of this Act.

No compensation in any event shall be collectable or payable under the provisions of this Act for the first five (5) days of any disability as defined by this Act.

Section 18

Payment When Funds Insufficient.

If, at any time, there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof, the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

Section 19

Amount of Pension After Twenty Years Service.

Any County Patrolman having served twenty years (20) or more consecutively in such county employment and if his application to be relieved from such services as a County Patrolman is granted, the said Board of Trustees shall order and direct that such County Patrolman be paid a monthly pension equal to one-half of the amount of salary of such County Patrolman received by him at the time of the granting of the application.

Section 20

Funeral Expense Benefit.

Whenever a County Patrolman shall die as aforesaid in this Act, the Board of Trustees may appropriate from the pension fund a sum not exceeding $100.00 to the widow or family for funeral expenses.

Section 21

Pension Limitations.

No person shall be entitled to receive any pension from said pension fund except a regularly retired County Patrolman, his widow or children under the age of fourteen (14) years or dependent father or mother.

Section 22

Treasurer to Furnish Bond.

The Treasurer of the Board of Trustees and of the Pension Fund shall be custodian of said pension fund and shall securely and safely keep the same, subject to the control and direction of said board, and shall keep his books and accounts concerning said fund in such a manner as may be prescribed by the Board, and the said books and accounts shall always be subject to the inspection of the board or any member thereof.

The Treasurer shall within ten days after his appointment or election, execute a bond to the county with good and sufficient surety, in such penal sum as may be fixed by the Fiscal Court of the county, which shall be approved by such Fiscal Court of such county, conditioned for the faithful performance of the duties of his office and that he will safely keep and truthfully account for all monies and properties which may come into his hands as such Treasurer and that upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities and all unexpended monies or other properties including the records of such accounts which may have come into his hands by virtue of his office as Treasurer of said fund. Said bond shall be filed in the office of the County Clerk and may be sued upon in the name of the County for the use of said Board or in the name of said Board or any person or persons injured by a breach thereof.

Section 23

Warrants to Issue for Sums Due Pension Fund.

It shall be the duty of such officer or officers of the county as are designated by law to draw warrants on the Treasury of the County on request in writing by said Board of Trustees, payable to the Treasurer of said Board of Trustees for all funds belonging to said Pension Fund as aforesaid.

Section 24

Warrants to be Signed by President and Secretary.

All monies ordered to be paid from the said pension fund to any person or persons shall be paid by the Treasurer of the Board of Trustees only upon warrant signed by the president of said Board of Trustees and countersigned by the Secretary thereof, and no warrant shall be drawn except by order of the Board as having been duly entered on the records and minutes of the proceedings thereof.

Section 25

Board to Report to the County.

The Board of Trustees shall make a report to the Fiscal Court of the county of the condition of said Pension Fund on its last meeting in December of each and every year after the adoption of this Act by any county containing a city of the second class.

Section 26

Pension Not Subject to Attachment.

No portion of said Pension Fund shall before or after its order for distribution by the Board of Trustees to the person or persons entitled thereto be held, seized, taken or subjected to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree or any process of proceeding whatever, issued out of or by any court in this State for the payment or satisfaction in whole or in part of any debt, damage, claim, demand or judgment against the beneficiary of said fund, but said fund shall be held and distributed for the purpose of this Act and for no other purpose whatsoever.

Section 27

County Attorney to Advise.

It shall be the duty of the County Attorney of the County to give advice to the Board of Trustees of the County Patrol-

man's Pension Fund in all matters pertaining to their duties, in the management of said fund, whenever requested and he shall represent and defend said Board as its attorney in all suits or actions at law or in equity that may be brought by or against it and in any other matter, in which his advice may be sought or requested.

Section 28

The various provisions of this act are deemed separable and if any provisions herein is declared invalid or unconstitutional, it shall not affect the validity or force of any other section or part hereof not declared invalid or unconstitutional.

Section 29

Conflicting Laws Repealed.

All laws or parts of laws in conflict hereby expressly repealed.

By Mr. Howard.

H. B. 251. An Act relating to the registration and purgation of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 117.420 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing cities of the first class, each member of the county board of registration and purgation shall receive $1,200 per annum, to be paid by the fiscal court in monthly installments. In counties that do not have a city of the first class, each member of the board shall receive four dollars per day for not more than ten days each year. In counties having a city of the first class, the board may meet

at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges continuously from the date that the registration books are closed before any primary or regular election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county unless the persons affected by the meeting are given written notice of its time and place.

§ 2. Section 117.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each county board of registration and purgation may employ such clerical, stenographic and other help, and purchase such supplies and equipment, as it deems necessary to carry out its duties under the provisions of this chapter. The help so employed and supplies and equipment so purchased shall be paid for by the fiscal court of the county upon certification of the cost to the fiscal court by the chairman and secretary of the board, accompanied by an affidavit of the chairman and secretary of the board that the employment or purchase was necessary in the discharge of the duties of the board and that the amount allowed or expended for such help, supplies and equipment was in their opinion reasonable.

(2) Each county board of registration and purgation may employ process servers for the service of the notices provided for in this chapter. The persons so employed shall receive the fees allowed by law to officers for the service of notices, to be paid by the fiscal court of the county when the amount due has been certified to the fiscal court by the chairman and secretary of the board as provided in subsection (1) of this section.

§ 3. Section 117.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county board of registration and purgation, in counties not having a city of the first class, shall examine the registration lists and registration books in the county clerk's office, after the closing date of the books for registration before any primary election, and they shall remove, as hereinafter provided, from the lists or books the names of persons who have, since the date of their registration, died, moved or otherwise become disqualified to vote.

(2) If a county board of registration and purgation, upon investigation, has reasonable grounds to believe that there are names upon the registration lists or books of persons who have died, moved or otherwise become disqualified to participate in any regular, special or primary election, the board shall prepare a list of such names. When the board challenges the registration of any voter, it shall immediately notify the voter in writing at his place of residence shown upon the registration list or book that his right to vote has been challenged and that his name will be stricken from the registration list or book unless he appears before the board within five days and shows cause why his name should not be stricken. If the voter appears and desires to be heard upon the challenge, the board shall hear and determine whether or not the name of the voter should remain upon the registration lists or books, and no name shall be stricken from the registration lists or books until the voter has been given an opportunity to be heard.

(3) If the board determines that the voter is legally registered, his name shall remain upon the registration lists or books. If after a hearing the board determines that the name of the voter is illegally or improperly upon the lists or books, it shall enter an order directing the county clerk to strike the name of the voter therefrom. If, after the service of notice upon the voter, he fails to appear before the board and contest the challenge, it shall be prima facie evidence that his

name illegally or improperly appears upon the registration lists or books, and the board without further hearing shall strike his name therefrom. The notice provided for in this section may be served by any officer authorized to serve process from any court, or by special process servers selected by the board as provided in KRS 117.430.

(4) After completing its purgation of the registration lists of a county, the board shall notify the county clerk of all names purged by it.

§ 4. Sections 117.460, 117.470, 117.480 and 117.490 of the Kentucky Revised Statutes are repealed.

By Messrs. Dawson and Peterson.

H. B. 252. An Act relating to the creation, establishment, operation and maintenance of fire protection districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1: This Act shall apply to any municipal corporation, that part of any county lying outside of any municipal corporation located therein, and/or any fire protection district created under this Act.

Section 2: Upon a petition signed by at least fifty-one per cent. (51%) of the voters, as determined by the registration books covering such territory, and living within the boundary of a proposed fire protection district filed in the Circuit Court Clerk's office of the County in which the greater part of such territory is located, not less than twenty days before the commencement of the next regular term of said Court, and in Courts of continuous sessions not less than twenty days before the first day of the next calendar month,

notice of the filing of such petition and the object thereof having been published in two issues of some newspaper of general circulation in the county, and by notices posted for at least ten days before the commencement of the said Court, one at the Court House door, and three others at public places within the bounds of the proposed fire protection district, the petition setting out the metes and bounds of the proposed fire protection district, the number of voters thereof, and such other facts as may be thought proper, on the second day of the term, and in courts of continuous session on the day provided for in such notice, the Court shall, if the proper notice has been given, and publication made, and no written objection, remonstrance or defense is interposed, enter a judgment establishing a fire protection district in accordance with the prayer of the petition, naming it, and describing the boundary thereof by metes and bounds. Defense, objection or remonstrance may be made to the petition by any inhabitant of the proposed fire protection district, or any person owning property therein, and if defense, objection or remonstrance is made, the Court shall hear and determine the same, and render a judgment establishing or refusing to establish the fire protection district as may seem proper. The pleadings and practice as herein provided shall be the same as in equity cases, as nearly as may be practicable, with right of appeal to the Court of Appeals within sixty days. Such appeal shall be advanced upon the docket.

In no event shall any fire protection district include within its metes and bounds any territory at that time or thereafter included in any city of this Commonwealth.

Section 3: The territorial limits of an established fire protection district, as established under this Act, may be enlarged or diminished in the following way: The fire protection district trustees shall file a petition in the Circuit Court Clerk's Office of the county in which that district and the territory to be annexed or stricken off, or the greater part

thereof, is located, not less than thirty days before the next regular term of said Court, and in courts of continuous session not less than thirty days before the first day of a succeeding calendar month, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication and posting in the same manner as provided for in Section 2 of this Act. On the second day of the term the Court shall, and in the court of continuous session on the day fixed in said notice, if the proper notice has been given, and publication made, and no written defense, objection or remonstrance is interposed, enter a judgment annexing or striking off the territory described in the petition. Fifty-one per cent (51%) or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before ten days prior to the next regular term of said Court, and in courts of continuous session at any time before ten days prior to the date fixed in said notice remonstrate in writing, filed in said Clerk's office, to the action proposed. If such written remonstrance be filed said Clerk shall promptly give notice to the trustees of the fire protection district, and the Court shall promptly set the case for a hearing. If, upon such hearing, the Court finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the fire protection district and materially affect adversely the owners and inhabitants of the territory sought to be annexed or stricken off, it shall enter a judgment granting the annexation or striking off of the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two years. The pleadings and practice herein provided shall be the same as in equity cases, as nearly as may be practicable, with right of appeal to the Court of Appeals within sixty days. Such appeal shall be advanced upon the docket.

The property in any territory annexed to a fire protection district shall not be liable to taxation for the purpose of pay-

ing any indebtedness incurred by the fire protection district prior to the date of the annexation of such territory, except such indebtedness as represents balance owing on purchase price of fire fighting equipment. The property in any territory stricken off from a fire protection district shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district, except such indebtedness as represents balance owing on purchase price of fire fighting equipment then available for use by the remaining territory.

Section 4: Upon the creation of a fire protection district as herein provided, it shall be the duty of the County Judge to call an election in such district, which election shall be held within the district not later than thirty days after final judgment creating the district is entered, and thereafter an election shall be held on the first Saturday in May of each year. At such election, all registered voters, as determined by the registration books covering such territory, and no other, shall be eligible to vote. At such elections three fire protection district trustees shall be elected, who shall be resident taxpayers and voters of the fire protection district. The first trustees elected shall hold office as follows: The candidate receiving the highest number of votes shall be elected for a term of three years, the candidate receiving the second highest number of votes shall be elected for a term of two years, and the candidate receiving the third highest number of votes shall be elected for a term of one year. In case of a tie, the length of the terms of the candidates shall be determined by lot. On the expiration of the respective terms of offices aforesaid the successor of the trustees whose term is expired shall be elected for a term of three years. In the event of a vacancy in any term caused by death or otherwise, and there are two remaining trustees, the remaining trustees shall elect a trustee to fill out the unexpired term caused by such vacancy. If there are less

than two trustees remaining the County Judge shall fill the vacancies. All trustees shall hold office for the terms of their election and until their successors are elected and qualified.

Such persons as are delegated by the County Judge for that purpose shall preside at the election in each fire protection district. Said election shall be held on the day designated by the County Judge at such places in the district selected by the County Judge, and shall be by printed ballot, the polls to be open from 6:00 A. M. to 4:00 P. M. The County Judge shall make regulation for the tabulation of the ballots, such tabulation to be held immediately upon the close of the polls, at the place designated by the County Judge. All expenses incident to said election, including the providing and printing of ballots, shall be paid out of the funds of the district.

Such trustees shall elect from their number a Chairman and a Secretary and Treasurer, the latter of whom shall give bond in such amount as shall be determined by the County Judge of the County in which the fire protection district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which may come into his possession as such Treasurer. The premiums on such bonds shall be paid out of the funds of the district.

Section 5: Upon the creation of a fire protection district as herein provided, the trustees of such district are hereby authorized to establish and operate a fire department in such district and to levy a tax upon the property in said district, subject to county tax, and not exceeding ten cents per $100.00 of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance, and operation of said fire department, or to make contracts for fire protection for such district as hereinafter provided. After the tax has been levied as herein provided, such trustees shall certify the same to the Sheriff of the county in which the

fire protection district is located, who shall collect such tax when and as the county taxes are collected by him. Any delinquent fire protection district taxes shall bear the same interest and penalties as do delinquent county taxes.

Section 6: Any fire protection district created as herein provided or any municipal corporation which is not providing protection from fire for all persons and property within its boundaries as now or hereafter may be provided by law is hereby authorized to contract to receive such protection from one or more municipal corporations authorized to furnish or give such fire protection as provided by Kentucky Revised Statutes, Section 95.830, or from fire protection districts wherein fire departments are maintained and operated, and the Fiscal Courts of all counties are expressly authorized to provide by contract with municipal corporations or fire protection districts for fire protection for all public buildings owned or maintained by the county or by any public agency supported in whole or in part by county taxation and located in such county outside of any incorporated municipality.

Section 7: All municipal or fire protection district fireman, full-paid or volunteer, attending and serving at fires or doing fire prevention work outside the corporate limits of a municipality or the limits of fire protection districts as hereinabove provided shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of their own municipality or fire protection district, but full-paid firemen shall receive no additional compensation and volunteer firemen shall receive only such compensation as may be provided for by ordinance or resolution in such cases, and all such firemen shall be entitled to all benefits of any pension fund, in the same manner as if the fire-fighting or fire prevention work had been within the corporate limits of the municipality or fire protection district.

Section 8: A municipal or fire protection district fire department answering any fire alarms or performing fire

prevention services outside of the corporate limits of its municipality or fire protection district shall be considered an agent of the Commonwealth of Kentucky, and acting solely and alone in a governmental capacity, and such municipality or fire protection district shall not be liable in damages for any omission or act of commission or negligence while answering or returning from any fire or reported fire, or doing or performing any fire prevention work under and by virtue of the foregoing sections hereof.

Section 9: The trustees of any fire protection district wherein water pipes have been constructed and are maintained in the public ways thereof may by resolution duly adopted cause the erection of fire hydrants and attachments to said water pipes in the public ways, after the trustees have made a written contract for water to be furnished for use in said hydrants. The cost of such erection and attachment shall be apportioned by said trustees against the owners of the property fronting the public ways in which said fire hydrants are erected, by any equitable mode of apportionment which said board of trustees may prescribe in the resolution ordering the erection of said fire hydrants and a lien shall exist against the property against which the apportionment runs for the cost of such improvement in the amount of such apportionment and interest thereon at the rate of six per cent per annum, said lien being enforceable by proceedings in Court. The erection and installation of such fire hydrants shall be under contract let to the lowest and best bidder after advertisement of one insertion for two successive weeks in a newspaper of general circulation in the fire protection district.

Section 10: Should any section, sub-section, paragraph, sentence, clause, or phrase, of this act be declared unconstitutional or invalid, for any reason, the remainder of this act shall not be affected thereby.

By Mr. Hammons.

H. B. 253. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (9) and (17) of section 241.010 of the Kentucky Revised Statutes are repealed.

§ 2. Subsection (10) of section 241.010 of the Kentucky Revised Statutes is amended to read as follows:

(10) "Commissioner" means the Commissioner of Alcoholic Beverage Control.

§ 3. Subsection (13) of section 241.010 of the Kentucky Revised Statutes is amended to read as follows:

(13) "Department" means the Department of Alcoholic Beverage Control.

§ 4. Subsection (36) of section 241.010 of the Kentucky Revised Statutes is repealed.

§ 5. A new section of the statutes is created to be numbered KRS 241.015 and to read as follows:

There is created a Department of Alcoholic Beverage Control, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall consist of the Commissioner of Alcoholic Beverage Control and the Alcoholic Beverage Control Board. The commissioner shall head the department, shall be its executive officer, and shall have charge of the administration of the department and perform all functions of the department not specifically assigned to the board.

§ 6. Section 241.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall administer statutes relating to, and regulate traffic in, alcoholic beverages.

(2) A Distilled Spirit Unit, under the supervision of the board, shall administer the laws in relation to traffic in distilled spirits and wine.

(3) A Malt Beverage Unit, under the supervision of the board, shall administer the laws in relation to traffic in malt beverages.

§ 7. Section 241.030 of the Kentucky Revised Statutes is amended to read as follows:

The Alcoholic Beverage Control Board shall consist of the Commissioner of Alcoholic Beverage Control and two persons appointed by the Governor for terms for four years each. One of such persons shall serve as Administrator of the Distilled Spirits Unit, and the other shall serve as Administrator of the Malt Beverage Unit, as indicated by the Governor in making the appointments. The commissioner shall be chairman of the board. The two administrators shall each receive a salary of four thousand dollars per annum.

§ 8. Section 241.050 of the Kentucky Revised Statutes is repealed.

§ 9. Subsection (8) of section 241.060 of the Kentucky Revised Statutes is repealed.

§ 10. A new section of the statutes is created to be numbered KRS 241.065 and to read as follows:

(1) The board shall act as the sole wholesaling agency in this state in the sale, distribution, importing and exporting

of alcoholic beverages. To that end, the board may obtain, by lease or agreement, after receiving competitive bids, lands and buildings necessary for the purpose of its functions as wholesaling agency, but the board may not purchase any real estate except with the approval of the Governor.

(2) The board may purchase and operate vehicles for the transportation of alcoholic beverages, but shall so conduct its operation as wholesaling agency as to provide wherever practicable for the transportation to be handled by persons licensed under KRS Chapter 243 whose licenses authorize them to transport such beverages. For such purpose the board may issue special permits authorizing transportation direct from manufacturer to retailer.

(3) The board may purchase alcoholic beverages manufactured in this state or outside this state, and provide for the storage and transportation thereof. The board may sell and cause to be delivered to any licensed retailer in this state any of such alcoholic beverages, or may sell and export any of the same to persons outside of this state who are authorized by the laws of the state of their residence and by the laws of the United States to receive the same, but no alcoholic beverages shall be exported except by common carrier. Upon making any sale to a licensed retailer in the state, the board shall fix the minimum resale price at which the alcoholic beverages may be sold by the retailer. All sales by the board shall be at such prices as is determined by the board.

(4) The board may authorize sales and deliveries of alcoholic beverages by manufacturers licensed in this state to persons outside this state who are authorized by the laws of the state of their residence and by the laws of the United States to receive the same, under such regulations as the board may prescribe.

(5) The board shall not incur any obligation in the purchase of alcoholic beverages in excess of the amount of funds

available to the board for such purpose. All sales of alcoholic beverages by the board shall be for cash.

(6) The board may contract for the bottling of alcoholic beverages under particular brands.

(7) The board shall have all powers necessary for the expeditious performance of its functions as a wholesaling agency.

(8) The board may employ or contract with sales representatives in this state or any other state for the purpose of selling alcoholic beverages purchased by the board.

§ 11. Section 241.070 of the Kentucky Revised Statutes is repealed.

§ 12. Subsection (1) of section 241.080 of the Kentucky Revised Statutes is repealed.

§ 13. Section 241.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) No member of the board or employe of the department shall have any interest in any premises or business where alcoholic beverages are manufactured, stored or sold. Nor shall he receive any commission or profit from any person applying for or receiving any license or permit.

(2) No person shall be disqualified under this section solely by reason of his membership in a club.

(3) If a member of the board is disqualified or fails to give bond and take the oath of office, the Governor shall fill the vacancy by appointment for the period during which that member of the board remains disqualified or fails to qualify.

§ 14. Subsection (1) of section 241.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county judge shall be disqualified to act as county administrator by any fact that would disqualify a person under KRS 241.100 from acting as a member of the board.

§ 15. Subsection (3) of section 242.250 of the Kentucky Revised Statutes is amended to read as follows:

(3) This chapter shall not prevent any manufacturer of alcoholic beverages, or the State Board of Alcoholic Beverage Control, or any authorized agent of either from making contracts of barrel, case or package lots in any dry territory, if his distilleries, breweries, wineries or warehouses are located in that territory and his products are to be shipped into territory, either within or without the state, where alcoholic beverages may lawfully be sold.

§ 16. Section 242.260 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person or public or private carrier to bring into, transfer to another, deliver or distribute in any local option territory any alcoholic beverages, regardless of the name by which it may be called. Each package of such bevearge so brought, transferred or delivered in such territory shall constitute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer or any authorized agent of a distiller or manufacturer from transporting or causing to be transported by a licensed carrier any intoxicating liquors to their distilleries, breweries, wineries or warehouses where the sale of such liquors may be lawful, either in or out of the state.

§ 17. Section 242.280 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person of dry territory to receive or accept any alcoholic beverage from a common

carrier or from any person who has transported such liquor in or into such territory for compensation, hire or profit of any kind whatsoever either directly or indirectly. Each and every package of said alcoholic beverage so received or accepted shall constitute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer of alcoholic beverages or any authorized agent of a distiller or manufacturer from receiving or accepting any alcoholic beverages which are to be sold in a territory where the sale of such beverages may be lawful either in or out of the state.

§ 18. The introductory sentence and paragraph (f) of subsection (2) of section 243.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) As used in KRS 243.720 to 243.860, unless the context requires otherwise;

(f) "Wholesaler" means the State Alcoholic Beverage Control Board.

§ 19. Section 243.030 of the Kentucky Revised Statutes is amended to read as follows:

The following kinds of distilled spirits and wine licenses may be issued by the Administrator of the Distilled Spirits Unit, the fees for which shall be:

(1) Distiller's license, per annum, ... $ 500.00

(2) Rectifier's license, per annum, ... 1,500.00

(3) Blender's license, per annum, ... 500.00

(4) Vintner's license, per annum, ... 500.00

(6) Retail package license, per annum:

(a) In counties containing cities of the first class, ... $ 500.00

(b) In counties containing cities of the second class, ... 400.00

(c) In counties containing cities of the third class, ... 300.00

(d) In counties containing cities of the fourth class, ... 200.00

(e) In all other counties, ... 100.00

(7) Retail drink license, per annum:

(a) In counties containing cities of the first class, ... 700.00

(b) In counties containing cities of the second class, ... 400.00

(c) In counties containing cities of the third class, ... 300.00

(8) Transporter's license, per annum, ... 10.00

(9) Dining car license, per annum, ... 50.00

(10) Special nonbeverage alcohol vendor's license, per annum, ... 2.00

(11) Special industrial alcohol license, per annum, ... 2.00

(12) Special non-industrial alcohol license, per annum, ... 2.00

(14) Special storage or warehouse license, per num, ... 50.00

(15) Special temporary license, per month or part of month one-sixth of the fees enumerated in subsection (7).

(16) Special private club license, per annum, ... 150.00

(17) Such other special license as the board may find necessary for the proper regulation and control of the traffic in distilled spirits and wine and may provide for by regulation. In fixing the amount of license taxes that are required to be fixed by the board, it shall regard for the value of the privilege granted.

§ 20. Section 243.040 of the Kentucky Revised Statutes is amended to read as follows:

The following kinds of malt beverage licenses may be issued by the Administrator of the Malt Beverage Unit, the fees for which shall be:

(1) Brewer's license, per annum, ... $1,000.00

(3) Retailer's license, per annum, ... 25.00

(4) Dining car license, per annum, ... 25.00

(5) Transporter's license, per annum, ... 5.00

(6) Special temporary license, per month or part of month, ... 4.17

(7) Such other special licenses as the State Board finds to be necessary for the administration of Chapters 241, 243 and 244 and for the proper regulation and control of the trafficking in malt beverages, which may be provided for by regulation and adopted by the State Board.

Applicants for special licenses provided for under the authority granted in subsection (7) may be exempt from so much of the provisions of subsection (3) of KRS 243.100 and subsection (3) of KRS 244.090 as the board by regulation prescribes.

§ 21. Section 243.070 of the Kentucky Revised Statutes is amended to read as follows:

The city legislative body of any city in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only such licenses may be issued as correspond, in their provisions and the business authorized, to the licenses provided for in subsection (1), (2), (3), (6), (7), (15) and (16) of KRS 243.030 and subsections (1), (3) and (6) of KRS 243.040. The fees imposed shall not exceed twice the amount of the fees imposed in KRS 243.030 and 243.040 for such licenses, except that the fee for a malt beverage retailer's license may be fixed at not exceeding two hundred dollars, the fee for a brewer's license shall not exceed five hundred dollars, and the fee for a distiller's license shall not exceed five hundred dollars.

§ 22. Section 243.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this section, each kind of license listed in KRS 243.030 shall be inconsistent with every other kind listed in that section and no person holding a license of any of those kind shall apply for or hold a license of another kind listed in KRS 243.030.

(2) The holder of a retail package license may also hold either a retail drink license or a special nonindustrial alcohol license. The holder of a transporter's license may also hold a special storage or warehouse license. The holder of a distiller's license may also hold a rectifier's license.

(3) Any person may hold two or more licenses of the same kind.

(4) An applicant shall not evade the prohibition against applying for or holding licenses of two kinds by applying for

a second lincese under the cloak of a separate corporate entity. The state administration may examine into the ownership and management of corporations which apply for or hold licenses, and shall deny the application for a license to any party substantially interested in an incompatible license.

§ 23. Subsection (1) of section 243.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) Sales and deliveries of distilled spirits and wine may be made at wholesale, and from the licensed premises only:

(a) By distillers to rectifiers, vintners, holders of special nonbeverage alcohol licenses so far as they may make the purchases or other distillers;

(b) By rectifiers to vintners or to distillers if distilled spirits sold to distillers are packaged in retail containers;

(c) By vintners to rectifiers or other vintners, or to the holders of special nonbeverage alcohol licenses;

(d) By distillers, rectifiers or vintners to the State Alcoholic Control Board; or

(e) By distillers, rectifiers or vintners for export out of the state, when authorized by the State Alcoholic Beverage Control Board.

§ 24. Section 243.150 of the Kentucky Revised Statutes is amended to read as follows:

A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in the license, and to transport for himself only any malt beverage which he is authorized by his license to manufacture or sell, but he shall transport such malt beverage in accordance with the requirements provided by KRS 243.120 for distillers. A brewer may make sales of malt beverages

only to the State Alcoholic Control Board, or for export out of the state when authorized by the board.

§ 25. Sections 243.160, 243.170, 243.180 and 243.190 of the Kentucky Revised Statutes are repealed.

§26. Section 243.240 of the Kentucky Revised Statutes is amended to read as follows:

A distilled spirits and wine retail package license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises. Such a licensee shall purchase distilled spirits and wine in retail packages only and only from the State Alcoholic Beverage Control Board. He may sell only to consumers and may make deliveries only at the premises designated in his license.

§ 27. Section 243.250 of the Kentucky Revised Statutes is amended to read as follows:

A distilled spirits and wine retail package license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. Such a licensee shall purchase distilled spirits and wine only from the State Alcoholic Beverage Control Board and unless he holds a retail package license he shall not buy or possess distilled spirits in containers of a capacity smaller than twenty ounces, but mixed drinks may be bought in containers of a capacity not smaller than twelve ounces, if the mixed drinks contain a substantial proportion of carbonated water. A retail drink license shall not authorize the sale of distilled spirits or wine by the package.

§ 28. Section 243.280 of the Kentucky Revised Statutes is amended to read as follows:

A malt beverage retailer's license shall authorize the licensee to sell malt beverage at retail from the licensed premises only and to purchase malt beverages only from State Alcoholic Beverage Control Board.

§ 29. Section 243.340 of the Kentucky Revised Statutes is repealed.

§ 30. Subsection (1) of section 243.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person, except an applicant for renewal of the same license for the same premises, or an applicant for an industrial alcohol license or a nonindustrial alcohol license shall, before applying for any license under KRS 243.030, advertise his intention to apply, by inserting in a newspaper of general circulation in the county in which are located the premises for which the license is sought, at least once a week for two consecutive weeks before the application is filed, a concise advertisement. The advertisement shall state the name and address of the applicant if he is an individual, the names and addresses of the members of a partnership if the applicant is a partnership, as well as the name of the business and its address, or if the applicant is a corporation, the names and addresses of the principal officers and directors of the corporation, as well as the name and address of the corporation itself; the location of the premises for which the license is sought, and the type of license to be applied for. If there is no newspaper of general circulation in the county, the advertisement shall be published by a newspaper published in the closest adjacent city that has a newspaper of general circulation in that county.

§ 31. Subsection (2) of section 243.400 of the Kentucky Revised Statutes is repealed.

§ 32. Subsection (1) of section 243.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the surety on bonds required by KRS 243.400 becomes unsatisfactory in the opinion of the department, the department may require the distiller, rectifier of vintner to file a new bond with satisfactory surety in the same amount. Upon failure to file a new bond with satisfactory surety, the department shall forthwith suspend the license of the distiller, rectifier or vintner.

§ 33. Section 243.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the state administrator approves the application he shall issue the proper license.

(2) No retail drink, retail package, or special private club license shall be issued in less than ten days or delivered in less than fifteen days from the time the application and remittances were received by the department; except that a retail package, retail drink, or special private club license shall not be issued to an applicant who has not held a license during the same or preceding license period, or for a premise for which a license has not been issued during the same or preceding period, in less than twenty days or delivered in less than thirty days from the time the application and remittances were received by the department. All remaining licenses provided for in KRS 243.030 shall be issued at any time when, in the sound discretion of the Distilled Spirits Administrator, all of the information necessary has been obtained.

§ 34. Section 343.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the proceedings for the revocation of any license under KRS 243.520 the Alcoholic Beverage Control Board, or the local alcoholic beverage administrator, may in its or his discretion, as the case may be, order a suspension of the license for any cause for which it may, but is not re-

quired to, revoke the license under the provisions of KRS 243.490 and 243.500; provided, however, the licensee may have the alternative, subject to the approval of the Alcoholic Beverage Control Board or the local alcoholic beverage adminstrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows: Distillers, rectifiers, vintners, brewers and blenders, one thousand dollars per day; retail drink liquor licensees, twenty-five dollars per day; retail package liquor licensees, twenty-five dollars per day; retail beer licensees, ten dollars per day; all remaining licensees, ten dollars per day. Said sums shall be paid to the department, deposited into the State Treasury and credited to the General Expenditure Fund; provided, however, that one-half of any amount paid in lieu of a suspension of a rectifier license, retail package license, retail drink license or retail beer license over which a city or county administrator has jurisdiction shall be returned to the officer authorized to issue the local license in the respective city or county for deposit and use as alcoholic beverage license tax receipts of the city or county are deposited and used.

(2) Appeals from orders of suspension and the procedure thereon shall be the same as provided for orders of revocation in KRS 243.550 to 243.590.

§ 35. Section 243.490 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 may be revoked by the state board if the licensee shall have violated any of the provisions of Chapter 241, 243 or 244, or any rule or regulation of the board relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any Act of Congress or any rule or regulation of any Federal board, agency or commission, or any ordinance now, heretofore, or hereafter in effect relating to the regulation of

the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of any local alcoholic beverage authority or any similar body heretofore in existence or authorized by the terms of Chapters 241, 243 and 244 to be created, or if any clerk, agent, servant, or employe of any licensee shall violate any of the laws, regulations or ordinances above referred to, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked for any cause which the Alocoholic Beverage Control Board in the exercise of its sound discretion deems sufficient. A license may be revoked for any of the reasons for which the administrator would have been required to refuse a license if the facts had been known.

§ 36. Section 243.500 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 must be revoked for the following causes:

(1) Conviction of the licensee or his agent or employe for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two consecutive years, there shall have been two or more convictions, of any licensee or of any of his clerks, servants, agents or employes for any violation of the terms and provisions of Chapter 241, 243 and 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents, or employees shall have

twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the board made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages.

§ 37. Section 243.540 of the Kentucky Revised Statutes is amended to read as follows:

When a license issued under KRS 243.020 to 243.670 has been revoked the former licensee may, under the supervision of the state administrator, dispose of and transfer his stock of alcoholic beverages to a licensee, but such a disposition of stock in hand shall not be delayed longer than ninety days in the case of distillers, rectifiers or vintners, nor longer than twenty days in the case of retailers.

(2) Transfers under subsection (1) shall not be deemed violations of the provisions of KRS 243.120, 243.250 or 243.300.

§ 38. Section 243.685 of the Kentucky Revised Statutes is amended to read as follows:

(1) Alcohol or distilled spirits manufactured in or imported into the Commonwealth of Kentucky upon the order of or at the direction of the War Production Board or any other agency created under any National Defense Act, shall,

during the period of the unlimited National Emergency proclaimed by the President of the United States on May 27, 1941 (F.R. Doc. 21-3808; filed May 28, 1941; 9:45 a. m.), be exempt from the manufacturing and import taxes imposed by subsections (1) and (2) (a) of KRS 243.680, subject to such regulations as the department may prescribe.

(2) Alcohol or distilled spirits manufactured in or imported into the Commowealth of Kentucky for industrial purposes as distinguished from beverages purposes, and under circumstances such as to render the same free from the payment of internal revenue taxes under the laws of the United States, shall be exempt from the maunfacturing and import taxes imposed by subsections (1) and (2) (a) of KRS 243.680, subject to such regulations as the department may prescribe.

§ 39. Section 243.700 of the Kentucky Revised Statutes is amended to read as follows:

No suit shall be maintained to restrain or delay the collection or payment of the tax levied by KRS 243.680 or 243.-690. The aggrieved taxpayer shall pay with or without protest and may at any time within two years from the date of payment use the state through its agent, the Department of Alcoholic Beverage Control, in an action at law in any state or Federal court, otherwise having jurisdiction of the parties and subject matter, for the recovery of the tax paid and legal interest on the tax from the date of payment. If it is finally determined that the tax or any part thereof was wrongly collected, for any reason, the Commissioner of Alcoholic Beverage Control shall notify the Department of Finance which shall draw a warrant on the State Treasurer for the amount of the tax adjudged to have been wrongly collected together with legal interest thereon. The State Treasurer shall pay the same at once out of the General Expenditure Fund, a separate suit need not be filed for each individual payment

made by any taxpayer, but a recovery may be had in one suit for as many payments as may have been made.

§ 40. Section 243.706 of the Kentucky Revised Statutes is amended to read as follows:

(1) The person desiring to manufacture distilled spirits in lieu of tax-paid distilled spirits destroyed as set out above shall apply to the board for the issual of duplicate permits, and the board shall at once issue duplicate permits to the owner of the distilled spirits so destroyed for the same number of gallons as were destroyed by fire as set out above. There shall be no charge for the issual of said permits, but the manufacturer making such application shall furnish definite proof:

(a) That the distilled spirits so destroyed were tax-paid under the provisions of KRS 243.680 or said section as amended;

(b) That the distilled spirits so destroyed had not been sold by the manufacturer thereon prior to the time of the destruction;

(c) That said spirits were still stored on the premises where maunfactured, or immediately adjacent to the premises where manufactured;

(d) The number of proof gallons destroyed;

(e) The cause of said destruction and that said destruction was accidental and not the fault of the owner thereof.

(2) Provided that the board may accept the same proof of loss as that furnished to the United States Government under similar circumstances.

§ 41. Section 243.710 of the Kentucky Revised Statutes is repealed.

§ 42. Section 243.730 of the Kentucky Revised Statutes is repealed.

§ 43. Section 243.740 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 243.790 and 243.860, the board, upon the sale of any alcoholic beverages, shall require the purchaser to pay the tax imposed by KRS 243.720 and to evidence the payment by affixing stamps, issued by the board, upon each retail container in such manner as the board prescribes, before such beverages are removed from the premises of the manufacturer by whom they were placed in the retail containers. If the board causes any alcoholic beverage to be imported from out of this state, or to be transported from the premises of a manufacturer before sale by the board, the board shall cause stamps to be affixed to the containers, and upon sale of the beverages shall require the purchaser to pay the tax evidenced by such stamps.

§ 44. Sections 243.750, 243.770 and 243.780 of the Kentucky Revised Statutes are repealed.

§ 45. Section 243.790 of the Kentucky Revised Statutes is amended to read as follows:

The sale or distribution of alcoholic beverages manufactured in or imported into this state for shipment permanently out of the state to be sold through retail outlets without the state and consumed without the state shall not be subject to the tax imposed by KRS 243.720. Provided, however, the board may, when necessary for the purpose of control enforcement or protection of revenue, prescribe the conditions under which containers of such alcoholic beverages for shipment permanently out of the state to be sold through retail outlets without the state and consumed without the state may be kept and trafficked in without payment of the tax.

§ 46. Section 243.850 of the Kentucky Revised Statutes is amended to read as follows:

For the purpose of assisting in the enforcement of KRS 243.720 to 243.860 or any amendment thereof, every licensee except retailers, whether subject to the payment of taxes imposed by said sections or any amendment thereof, shall, on or before the fifteenth day of each month, render to the Department of Alcoholic Beverage Control a sworn or affirmed statement, in writing, of all his trafficking in alcoholic beverages during the preceding month. Such statement shall be taken directly from the records of the reporting licensee, and shall set forth on forms furnished by the department such information as shall be required by it. Such statement shall include alcohol destined for sale outside the state, as well as alcoholic beverages subject to the tax imposed by KRS 243.-720 to 243.860 or any amendments thereof. Provided, that the department shall have authority to require from retail licensees and other licensees, other reports and statements at such times as are necessary for the enforçement of KRS 243.720 to 243.860 or any amendments thereof.

§ 47. Section 243.860 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board may, in its discretion, prescribe that malt beverage taxes be collected by means of tax crowns of such distinctive design as it may prescribe, in lieu of stamps required by KRS 243.740, or by means of both crowns and stamps used as prescribed in KRS 243.740, or as may be directed by regulation.

(2) If the board authorizes and requires the use of tax crowns no brewer or retailer shall possess any malt beverage in a retail container not having affixed to it the appropriate crown or stamp required, except malt beverages manufactured for export from the state.

(3) If the board orders the use of crowns, it shall devise and enforce by regulation means whereby the manufacturer of the crowns shall make bond in favor of the state in an amount approved by the board, conditioned that the manufacturer will not sell or deliver the crowns to any person except on written approval of the board, and that in all other respects the manufacturer will faithfully safeguard the handling and distribution of the crowns so that the revenues of the state may be fully protected.

(4) As used in this section, "crown" means stoppers of any material used for sealing containers of malt beverages except adhesive stamps such as the board may by this section require.

§ 48. Section 243.870 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person or persons owning any distilled spirits which were manufactured prior to National Prohibition and upon which all Federal taxes have been paid shall have the right to withdraw same for his own personal use without the payment of the Kentucky Consumer's Tax of any other excise taxes, and the proprietor of any free warehouse or of any distillery shall deliver such distilled spirits to the owner thereof.

(2) Any person so owning such distilled spirits shall before the removal of same from any distillery or free warehouse execute an affidavit and file it with the Administrator of the Distilled Spirits Unit to the effect that such distilled spirits will be used only for personal consumption and are not to be withdrawn for purposes of re-sale and will not be placed in the ordinary channels of trade. Upon the execution and filing of this affidavit the Administrator of the Distilled Spirits Unit shall issue a permit for the withdrawal of the distilled spirits and the owner of such distilled spirits shall

be entitled to the immediate possession thereof and the proprietor of any bonded warehouse or distillery shall deliver same directly to the owner.

§ 49. Paragraph (b) of subsection (2) of section 243.990 of the Kentucky Revised Statutes is repealed.

§ 50. Subsection (2) of section 244.030 of the Kentucky Revised Statutes is repealed.

§ 51. Section 244.040 of the Kentucky Revised Statutes is repealed.

§ 52. Section 244.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) No licensee under KRS 243.020 to 243.670 shall purchase or agree to purchase any alcoholic beverages from any person within or without this state, who is not licensed to sell the beverages to the particular purchaser at the time of the agreement to sell.

(2) No licensee under KRS 243.020 to 243.670 shall sell or agree to sell any alcoholic beverage to any person within or without this state who is not legally authorized to buy and receive beverages at the time of the agreement to sell.

§ 53. Section 244.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person holding any license under KRS 243.020 to 243.670 shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:

(a) Has been convicted of a felony or of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors, within the last two years.

(b) Is under the age of twenty years, except in a bottling house or room of a licensed distiller, vintner or brewer

or rectifier and except in an office of a manufacturer maintained in a building separate from the warehouses or factory.

(c) Is not a citizen of the United States or has not had an actual bona fide residence in this Commonwealth for at least one year next before the date of his employment, provided the above residence requirement shall not apply to persons employed by distillers, brewers, operators of dining cars or transporters engaged in interstate commerce.

(d) Within two years prior to the date of his employment, has had any license issued under KRS 243.020 to 243.670 or under any other Act or ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause, or has been convicted of a violation of any of the provisions of Chapter 241, 243 and 244 or of any other such Act or ordinance.

(2) Violation of this section shall subject both employer and employee to penalties provided in this chapter, and shall be cause for revocation of license.

§ 54. Subsection (2) of section 244.120 of the Kentucky Revised Statutes is repealed.

§ 55. Section 244.240 of the Kentucky Revised Statutes is amended to read as follows:

No distiller, rectifier or vintner and no employe, servant or agent of a distiller, rectifier or vintner shall:

(1) Be interested directly or indirectly in any way in any premises where distilled spirits or wine is sold at retail or in any business devoted wholly or partially to the sale of distilled spirits or wine at retail.

(2) Make or cause to be made any loan to any person engaged in the manufacture or sale of distilled spirits or wine at retail.

(3) Make any gift or render any kind of service whatsoever, directly or indirectly, to any licensee under KRS 243.030 which in the sound judgment of the board may tend to influence the licensee to purchase the product of the distiller, rectifier or vintner.

(4) Enter into a contract with any retail licensee under KRS 243.020 to 243.670 whereby the licensee agrees to confine his sales to distilled spirits or wine manufactured or sold by one or more of such distillers, rectifiers or vintners. Such a contract shall be void.

§ 56. Section 244.250 of the Kentucky Revised Statutes is amended to read as follows:

No distiller, rectifier or vintner shall furnish or cause to be furnished to any licensee any exterior or interior sign, printed, painted, electric or otherwise, except as authorized by the regulations of the board.

§ 57. Section 244.260 and 244.270 of the Kentucky Revised Statutes are repealed.

§ 58. Subsection (2) of section 244.280 of the Kentucky Revised Statutes is repealed.

§ 59. Section 244.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No licensee for sale of distilled spirits and wine by the drink, other than a railroad system licensee, shall keep upon the licensed premises any distilled spirits or wine in any container except in the original package containing quantities of not exceeding one quart each of distilled spirits or fifty-five gallons each of wine, and containing not less than twenty ounces each, except mixed drinks which contain a substantial proportion of carbonated water and which are sold by entire bottles containing not less than twelve ounces. If the licensee

also holds a retail package license, the containers may contain as little as eight ounces of distilled spirits and six ounces of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the board, together with all required Federal revenue and state excise tax stamps.

§ 60. Sections 244.470 of the Kentucky Revised Statutes are repealed.

§ 61. Section 244.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), no retailer shall sell, give away or deliver any malt beverages between midnight and 6 a. m. or at any time during the twenty-four hours of a Sunday or an election day.

(2) The legislative body of a city of the first, second or third class in which traffic in malt beverages is permitted by KRS Chapter 242, shall have the exclusive power, subject to subsection (3), by ordinance, to establish the times in which malt beverages may be sold within its jurisdictional boundaries. The fiscal court of each county in which a city of the first, second or third class is located shall have the exclusive power, subject to subsection (3), to establish the times in which malt beverages may be sold in that portion of the county which lies without the corporate limits of such a city, except any portion in which malt beverages are prohibited by KRS Chapter 242 from being sold.

(3) Notwithstanding subsections (1) and (2):

(a) The hours so fixed by the legislative body of a city of the first, second or third class, and by fiscal courts, shall not prohibit the sale, gift or delivery of any malt beverages between 6 a. m. and midnight during week days; and

(b) No malt beverages shall be sold on any election day while the polls are still open.

§ 62. Section 244.510 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department may in its discretion adopt any regulations of the Bureau of Internal Revenue in the United States Department of the Treasury relating to labeling and advertising of malt beverages.

(2) The adoption of regulations of the Bureau of the Internal Revenue in the United States Department of the Treasury shall not become effective as to any brewer having labels on hand that would be outlawed by adoption of the regulation until a period of ninety days from the date of adoption.

§ 63. Section 244.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) No licensee shall advertise any malt beverage by trade name, trade-mark or in any other manner within one hundred feet of the property line of any school or church. The distance shall be by straight line.

(2) Subsection (1) shall not apply to advertisements placed on the establishment of brewers in operation prior to March 7, 1938, nor to signs in position on March 7, 1938, nor to signs located in cities of the first or second class.

§ 64. Section 244.550 of the Kentucky Revised Statutes is amended to read as follows:

No person shall fortify, adulterate, contaminate or in any manner change the character or purity of the malt beverages from that as originally marketed by the brewer or sell, deliver or transport malt beverages except in the original containers.

§ 65. Section 244.560 of the Kentucky Revised Statutes is repealed.

§ 66. Section 244.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) No brewer shall be interested in any manner, either directly or indirectly, in the ownership or leasehold of any property or in any mortgage against the property for which a retail license is issued, nor shall a brewer either directly or indirectly lend any moneys, credit or the equivalent thereto to any retailer in equipping, fitting out or maintaining and conducting either in whole or in part a malt beverage retail establishment or business.

(2) Subsection (1) shall not apply to the interest of a brewer in any mortgage or other lien taken by him to secure the payment in whole or part of any indebtedness due him by any other licensee and incurred prior to March 7, 1938.

§ 67. Section 244.580 of the Kentucky Revised Statutes is repealed.

§ 68. Section 244.590 of the Kentucky Revised Statutes is amended to read as follows:

No brewer shall induce through any of the following means any malt beverage retailer to purchase any malt beverages manufactured by him to the exclusion in whole or in part of malt beverages manufactured by other persons, if the brewer engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in commerce in malt beverages:

(1) By acquiring or holding, after the expiration of any existing license, any interest in any license with respect to the premises of the retailer;

(2) By acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of his business;

(3) By furnishing, giving, renting, lending or selling to the retailer, any equipment, fixtures, signs, supplies, money, services, or other things of value, except as the Administrator of the Malt Beverage Unit, having regard for the public health, the quantity and value of the articles involved, the prevention of monopoly and the practice of deception, may by regulation otherwise prescribe;

(4) By paying the retailer for any advertising, display or distribution service subject to the exceptions which the administrator may by regulation prescribe;

(5) By guaranteeing any loan or the repayment of any financial obligation of the retailer; or

§ 69. Section 244.600 of the Kentucky Revised Statutes is amended to read as follows:

No brewer shall induce through any of the following means, any malt beverage retailer to purchase any malt beverage products manufactured by him to the exclusion in whole or in part of malt beverages manufactured by other persons, if the brewer engages in the practice of using such means, or any of them, to such an extent as substantially to restain or prevent transactions in malt beverages:

(1) By commercial bribery; or

(2) By offering or giving any bonus, premium or compensation to any officer, employe or representative of the retailer; or

(3) By making or allowing any rebates or refunds to any officer, employe or representative of the retailer.

§ 70. Subsection (1) of Section 244.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, by himself or acting through another, directly or indirectly, violates any of the provisions of this chapter for which no other penalty is provided shall, for the first offense, be fined not less than one hundred nor more than two hundred dollars or imprisoned in the county jail or workhouse for not more than six months, or both; and for the second and each subsequent violation, he shall be fined not less than two hundred nor more than five hundred dollars or imprisoned in the county jail or workhouse for not more than six months, or both. The penalties provided for in this subsection shall be in addition to the revocation of the offender's license. If the offender is a corporation, joint stock company, association or fiduciary, the principal officer or officers responsible for the violation may be imprisoned.

§ 71. Section 47.030 of the Kentucky Revised Statutes is repealed.

§ 72. Any retailer of distilled spirits or wine who sells distilled spirits or wine at a price less than the minimum resale price fixed by the State Alcoholic Beverage Control Board shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than six months, or both, and his license shall be revoked by the board.

§ 73. There is appropriated to the Department of Alcoholic Beverage Control, out of the General Fund for the fiscal year 1944-1945, the sum of five hundred thousand dollars. Such sum shall be placed in a special fund in the State Treasury and shall constitute a permanent revolving fund for the use of the department. Such receipts from the sale of distilled spirits and wine by the State Alcoholic Beverage Control Board as are necessary to maintain such fund at five

hundred thousand dollars shall be paid into such fund. All receipts in excess of that amount shall be credited to the General Fund in the State Treasury.

By Mr. Quill.

H. B. 254. An Act appropriating money for the benefit of various State institutions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. For the purposes of construction, reconstruction and repair of buildings, purchasing lands, buildings and appurtenances, and obtaining essential machinery, fixtures and equipment at the institutions hereinafter named, there is hereby appropriated out of the unencumbered cash balance in the General Expenditure Fund at the close of the fiscal year ending June 30, 1944, a sum sufficient to provide for each of the following named institutions as set opposite their names:

Central State Hospital at Lakeland	$1,200,000.00
Eastern State Hospital, at Lexington	1,200,000.00
Western State Hospital, at Hopkinsville	1,200,000.00
Kentucky School for the Blind, at Louisville	300,000.00
Kentucky School for the Deaf, at Danville	800,000.00
Houses of Reform, at Greendale	500,000.00
State Feeble-minded Institute, at Frankfort	800,000.00
Hazelwood Sanatorium, at Louisville	600,000.00
Additional Tuberculosis sanatoriums to be established at locations as designated by the State Board of Health, subject to approval by the Governor	500,000.00

§ 2. The State Treasurer and the Commissioner of Finance shall, on July 1, 1944, establish a special fund to be known as the Institutional Rehabilitation Fund, and shall

place to the credit of such fund an amount of cash equal to the amounts appropriated by Section 1 of this Act. The amount of cash credited to such fund shall be specially earmarked in the State depository and shall not be available for other appropriations.

§ 3. Disbursements from the fund provided for by Section 2 of this Act may be made for the respective institutions upon requisition of the Superintendent of the institution, approved by the head of the Engineering Division of the Department of Welfare and by the Governor.

By Mr. Quill.

H. B. 255. An Act relating to elections of electors of President and Vice President of the United States.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Right of Absentees to Vote in Time of War.* In time of war every voter of the Commonwealth of Kentucky, who expects in the course of his business or duties to be absent from the county in which is situated his voting precinct or ward on the day of holding any special, general, or primary election, but who is otherwise eligible to register and qualified to vote in any election for electors of President and Vice President of the United States, United States Senators, and Representatives in Congress shall be entitled to vote for such officers in accordance with the provisions of this Act. Provided that such voter shall have registered, pursuant to the registration laws of this state now in force, or in accordance with the provisions of this Act.

Section 2. *Applications for Ballots—Time of Making.* Any absent voter, as defined in the foregoing section, expect-

ing to be absent from the county of his residence on the day of such election, may make an application in writing, at any time prior to such election, on the form hereinafter prescribed or on the form prescribed by Congress, to the Secretary of State of Kentucky for an absent voter ballot to be voted in such election, and the Secretary of State shall, after making a record of the name and residence of such applicant, transmit such application to the proper registration official of the residence of such voter, with all necessary instructions to said local registration official as to his duties hereunder.

Section 3. *Form of Application—Affidavit.* Applications for such ballot shall be signed and sworn to by the "absent voter" before a civil officer authorized by law to administer an oath, provided that if such "absent voter" is in the military or naval service of the Commonwealth of Kentucky or the United States, or serving in or attached to any branch of said services, he may swear to said application before any commissioned military or naval officer of the Commonwealth of Kentucky or the United States, or any branch of the Armed Forces. Said application shall be substantially in the following form:

"Secretary of State of Kentucky,

Frankfort, Kentucky.

"I, ..., state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of ..... County and have been such for more than six months prior to said date, and am a resident of ..... precinct of said county (or ..... ward of the city of ....., county of .....) at least sixty days prior to said date; that I am a duly qualified voter of said precinct (of said ward); that in the course of my business or duties I expect to be absent from said precinct or ward on the election to be held in said precinct or ward on the ..... day of

....., 19....., and I will not vote elsewhere at said election. I request that an official ballot be mailed to me at the following address:

....

(Name and Address)

Voter must sign here, and oath must be administered and attested.

"Subscribed and sworn to before me this..... day of ....., 19.....

.....

(Name and Official Title)

Section 4. *Registration of Absent Voters.* It shall be the duty of such local registration official, upon receipt of said application from the secretary of state to: (a) If the applicant is found to be registered in the proper registration book, the said registration official shall mark the registration record of the applicant "absent voter" and immediately so advise the secretary of state; (b) If the applicant is found by the local registration official not to be registered in the registration record of the voting precinct in which the applicant declares he is a resident, upon determining that the applicant is entitled to register under the laws of the Commonwealth of Kentucky, the said registration official shall register such applicant in the registration records in his office, mark the same "absent voter", and the same shall constitute sufficient registration under the laws of this State. Notice of such registration shall be given the secretary of state.

The local registration official shall prepare a list of the names of all persons who have applied for absentee ballots under federal statute or under this Act, and whose names he has registered on the records of his office as an absentee voter. Such list shall be delivered by the local registration official to the precinct election officers of each precinct at the same time other election paraphernalia is delivered to them on the morn-

ing of the election which shall be posted by the precinct officers in a public place in the voting precinct where it may be inspected by any voter. This list shall be entitled "List of Applicants for Absentee Ballots."

Section 5. *Official Ballots and Booklets.* The Secretary of State shall cause to be prepared and printed an appropriate number of official absentee voters ballots. Such ballots shall provide for voting for electors of President and Vice President of the United States, United States Senators and Representatives in Congress. Such ballots shall be uniform in size and style of type, and the type and paper shall conform generally to that used for the regular official ballots of this State in special, general and primary elections. Such ballots shall be printed in such form as may be appropriate for carrying out the provisions of this Act.

Section 6. *Official Envelopes and Instructions for Voters.* (a) The Secretary of State of Kentucky shall also cause to be prepared and printed an appropriate number of official envelopes for use in connection with such absentee voters ballots. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed in substantially the following form the following:

OFFICIAL ABSENTEE VOTERS BALLOT

Name of Voter .....
Residence (street and number, if any) .....
County of .....
City or Town of.....

On the other side of such envelope shall be printed the following oath:

"I do hereby swear, (or affirm), that I am a citizen of the United States and am now of the age of at least twenty one years or will be on the ..... (here insert the

day of the election), that I will have been an inhabitant of the State of Kentucky for at least one year next preceding this election and for more than six months preceding such election, a resident of the County of ....., and a resident of ..... precinct of said county (or ..... ward of the City of ....., County of .....), at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election; and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the rights of suffrage.

.....

Voter must sign here, and oath must be administered and attested.

"Subscribed and sworn to before me this ..... day of .....

.....

Official Title."

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

(b) The secretary of state shall also cause to be prepared and printed an appropriate number of copies of instructions for absent voters. The secretary of state shall also cause to be prepared and printed an appropriate number

of envelopes for the use of voters in returning official ballots and envelopes to the secretary of state.

Section 7. *Transmission of official Absentee Voters Ballots, Booklets, Envelopes and Instruction.* The secretary of state shall transmit to every absent voter, whose name is furnished to the secretary of state by the local registration official, as soon as practicable after the receipt thereof, an official absentee voter ballot, two envelopes, voting instructions, a booklet containing instructions and explanations as to casting the vote.

Section 8. *Preparation of Ballot by "Absent Voters".* When the "absent voter" receives such ballot and said two envelopes, he shall go before some civil officer authorized by law to administer an oath and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted; he shall then and while in the presence of the officer fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he will enclose it in the inner envelope, then seal said envelope and then enclose it in the return envelope, then seal and write his name across the face of that envelope, and at once mail it to the Secretary of State of Kentucky; provided that if such "absent voter" is in the military or naval service of the Commonwealth of Kentucky or the United States, or attached to or serving with any branch of the Armed Forces, he may do the things herein required to be done instead of before a civil officer, before any commissioned military or naval officer of the Commonwealth of Kentucky or the United States.

Section 9. *Ballots—Custody—Delivery to Election Officers.* When the Secretary of State receives an "absent

voter's'' ballot, he shall at once endorse on the envelopes the day and hour he received the same, and all such ballots received by him before the day on which an election is held at which said ballot is to be voted, shall be transmitted by him with the inner envelope unopened to the election officers of the precinct or ward in which said ''absent voter'' is an elector at the same time the poll books and ballots for such election are delivered to them, and all such ballots received by him on or after such election day, shall be kept by him unopened until thirty days after such election, when the same shall, without being opened, be burned by the clerk in the presence of the judge and sheriff of his county.

Section 10. *Ballots—When and How Voted.* The election officers of any election shall, while the polls are open, examine such ''absent voter's'' ballots as have been delivered to them. If, upon such examination it is found that the inner envelope is regular and in form and condition provided by this Act, and has not been opened but is properly sealed and the affidavit on the face thereof is regular and in the form provided by this Act, the clerk of such election shall read aloud the name of such ''absent voter'' and after so doing, he shall then open the envelope and remove the ballot therefrom without unfolding it, and in such way as not to expose the markings thereon or how the ''absent voter'' has voted. He will then write his name on the back thereof and after so doing, place said ballot in the regular ballot box. The two envelopes shall be preserved by the election officers and treated in the same way as cast ballots, provided that when the name of the ''absent voter'' is read aloud by the clerk, the vote of such ''absent voter'' may be challenged and the challenge thereto may be determined and the vote accepted or rejected by the officers of the election as though the voter were present and voting in person. Provided, however, that if such envelopes and the affidavit on the face of the inner envelope are regular, and substantially comply with the pro-

visions of this Act, they shall be considered as showing that the "absent voter" is prima facie entitled to vote, provided that if the vote of an "absent voter" is rejected, the clerk shall write on the ballot the word "rejected."

Section 11. *Election Returns.* The officers of the election shall, in their election returns state the number of ballots sent to them by the secretary of state absent voters, the number of such ballots voted and the number thereof rejected.

Section 12. *Commissioned Officers Empowered to Administer Oaths and affirmation.* All commissioned military or naval officers of the Commonwealth of Kentucky or the United States are hereby authorized and empowered to administer oaths and affirmations for the purposes specified in this Act; and to every such oath or affirmation administered by them, they shall subscribe their names and their official designations.

Section 13. *False Registration Application—Affidavit —Penalty.* Any person who willfully and knowingly makes a false application for the purpose of registering under the provisions of this Act, or a false affidavit for the purpose of voting under the provisions thereof, when the same is either sworn to or affirmed by him, shall be guilty of a felony, and upon conviction, shall be confined in the penitentiary not less than one nor more than five years.

Section 14. *Failure to Comply with Official Duties— Penalty.* Any registration official or any election officer who shall wilfully refuse or neglect to perform and do any of the duties required by him by this Act, or who shall in any manner willfully violate or abuse any trust or duty imposed on him by this Act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars.

Section 15. *Unlawful Interference with Right of Voter —Penalty.* Any person who shall by threats, bribery, corrupt or arbitrary measure, offer or payment of reward, threat or infliction of punishment, interfere with any qualified voter or elector, in the free exercise of his right to register or vote under the provisions of this Act, shall be guilty of a misdemeanor and upon conviction, be fined not less than one hundred dollars nor more than one thousand dollars.

Section 16. Jurisdiction—Prosecution. Jurisdiction of any prosecution for a violation of any provision of this Act, wherever the violation occurred, whether within or without this State, is hereby vested in the circuit court of the county of the voter's residence.

Section 17. If any section or any provision of this Act shall be held unconstitutional or invalid for any reason, it shall not affect the validity of the Act, as a whole, or any other section or provision thereof.

Section 18. This Act shall be liberally construed.

Section 19. All law or parts of laws in conflict with the provisions of this Act, are hereby repealed.

Section 20. An emergency is hereby declared to exist and this Act shall become effective from its passage and approval by the Governor.

Ordered that said bills be printed and referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 7, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Paul L. Staufer of the Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood	Claude Hammons	Sylvester Phillips
F. H. Bassett, Jr.	B. C. Holbrook	James T. Philpott
W. G. Biggers	Benton Howard	J. Gip Prather
Isaac Blevins	Clyde S. Howard	L. W. Preston
J. C. Bradley	Jerry F. Howell	Kleber F. Price
Jno. W. Burkhart	J. J. Huff	E. P. Prichard
Chas. W. Burnley	Lee Johnson	James E. Quill
C. D. Call	Paul S. Jonas	C. R. Reeves
Fred Carpenter	Wm. E. Justice	L. Allen Rhoads
Willis Champion	M. Kavanaugh	H. G. Royalty
Jno. H. Clarke, Jr	G. M. Knuckles	Amos Runyon
A. Roy Copeland	J. T. Linton	Carl Scheben
Marvin Cornett	Homer E. Losey	F. W. Schuhmann
John Henry Cox	A. L. Love	Vernon Seaton
John P. Craig	Pearl McKinney	Leon J. Shaikun
Fred Creasey	C. C. May	Faust Y. Simpson
Thos. S. Dawson	Johnston Miller	Robt. J. Spaulding
Adron Doran	Harry L. Moore	E. A. Spencer
J. R. Dorman	Herbert V. Moore	Arthur Stallard
Bernie S. Edlin	J. Lee Moore	Geo. W. Steinford
Harry W. Ennis	L. D. Moore	Joe Stewart
Dr. J. C. Gabbard	W. B. Moser	Thos. M. Swope
Chas. B. Gentry	Coy C. Nevitt	C. W. Taylor
Franklin Goins	Joe E. Nunn	Egbert V. Taylor
J. D. Gross	H. C. Patterson	Roy L. Taylor
R. M. Hall	Chester Peterson	H. Thieman, Jr.
Jas. P. Hallahan	Albert W. Pfeiffer	Otis C. Thomas

E. B. Thompson	S. J. Wagner	R. E. West
John L. Trumbo	Harry F. Walters	Taylor Witt

Mr. Copeland moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Scheben of the Committee on Cities of the Second Class to which the same had been recommitted, reported a bill entitled:

H. B. 175. An Act relating to Civil Service for employees of Cities of the Second Class.

With a Committee Amendment thereto by way of Substitute therefor.

Ordered that said bill be placed in the Orders of the Day.

The Speaker announced that he had referred bills heretofore introduced or reported to this House as follows, viz.:

House Bill No. 242—Cities of 2nd Class

House Bill No. 243—Alcohol & Liq. Control No. 1

House Bill No. 244—Judicial Council

House Bill No. 245—Education No. 1

House Bill No. 246—Constitutional Amendments

House Bill No. 247—Education No. 1

House Bill No. 248—Ways & Means

House Bill No. 249—Cities of 2nd Class

House Bill No. 250—Cities of 2nd Class

House Bill No. 251—Ways & Means

House Bill No. 252—Cities of 1st Class

House Bill No. 253—Alcohol & Liq. Control No. 1

House Bill No. 254—Ways & Means

House Bill No. 255—Ways & Means

Senate Bill No. 76—National Parks

Senate Bill No. 12—Constitutional Amendments

Senate Bill No. 40—Banks & Banking

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 159. An Act relating to marriages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 402.020 of the Kentucky Revised Statutes is amended to read as follows:

Marriage is prohibited and void:

(1) With an idiot or lunatic;

(2) Between a white person and a Negro or mulatto;

(3) Where there is a husband or wife living, from whom the person marrying has not been divorced;

(4) When not solemnized or contracted in the presence of an authorized person or society;

(5) When at the time of marriage, the male is under eighteen or the female under sixteen years of age.

Mr. Prichard offered the following amendment to said bill, viz.:

Amend H. B. 159 on page 1, sec. 4, line 5 after the word "mulatto" insert "or a Japanese".

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Henry Arrowood	Harry W. Ennis	J. Lee Moore
F. H. Bassett, Jr.	Dr. J. C. Gabbard	L. D. Moore
W. G. Biggers	Franklin Goins	W. B. Moser
Isaac Blevins	J. D. Gross	C. Sid Nabb
J. C. Bradley	Jas. P. Hallahan	Joe E. Nunn
Jno. W. Burkhart	Claude Hammons	Chester Peterson
Chas. W. Burnley	B. C. Holbrook	Albert W. Pfeiffer
C. D. Call	Benton Howard	Sylvester Phillips
Fred Carpenter	Clyde S. Howard	James T. Philpott
Willis Champion	Jerry F. Howell	J. Gip Prather
Jno. H. Clarke, Jr.	W. N. Hughes	L. W. Preston
A. Roy Copeland	Lee Johnson	Kleber F. Price
Marvin Cornett	Paul S. Jonas	Edw. P. Prichard
John Henry Cox	M. Kavanaugh	James E. Quill
John P. Craig	G. M. Knuckles	C. R. Reeves
Fred Creasey	Homer E. Losey	L. Allen Rhoads
Thos. S. Dawson	A. L. Love	Wade H. Riley
Adron Doran	Pearl McKinney	H. G. Royalty
J. R. Dorman	Johnston Miller	Amos Runyon
T. H. Dyer	Harry L. Moore	Carl Scheben
Bernie S. Edlin	Herbert V. Moore	F. W. Schuhmann

Leon J. Shaikun	Geo. W. Steinford	John L. Trumbo
Jno. W. Simmons	Thos. M. Swope	S. J. Wagner
George T. Smith	Egbert V. Taylor	Harry F. Walters
Robt. J. Spaulding	Roy L. Taylor	R. E. West
E. A. Spencer	Otis C. Thomas	Taylor Witt
Arthur Stallard	E. B. Thompson	—80

Those voting in the negative were—

Faust Y. Simpson	Joe Stewart	—2

Resolved that the title thereof be as aforesaid.

Mr. Cornett moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 20. An Act requiring all employers to state specifically the amount and the purpose of any deductions from employees' salaries or wages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All employers who pay their employes by check or otherwise, making deductions from the salaries and wages due said employes, shall state specifically the amount and the person or agency for which the deductions are made, and each such employer at the time of payment of salary or wage to each employe shall furnish the employe a statement giving the amount of each deduction and the purpose for which the deduction is made.

§ 2. Any person who fails to comply with Section 1 of this Act shall be fined not less than ten dollars, nor more than one hundred dollars, for each offense and each day that such failure continues shall be deemed a separate offense.

Mr. Goins offered the following amendments to said bill, viz.:

1. Amend H. B. 20 on page 1, sec. 1, line 3 after the word "amount" by removing the following words "and the person or agency."

2. Amend H. B. 20 on page 1, section 1, line 1 by adding after the word "who" and before the word "pay" the following words "employ ten or more and"

3. Amend H. B. 20 on page 1, section 1, line 6 by adding after the words "and the" the following word "general".

Said amendments were each and severally agreed to.

Mr. Spencer moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Henry Arrowood	Claude Hammons	Kleber F. Price
F. H. Bassett, Jr.	B. C. Holbrook	Edw. P. Prichard
W. G. Biggers	Benton Howard	James E. Quill
Isaac Blevins	Clyde S. Howard	C. R. Reeves
Douglas T. Bolling	Jerry F. Howell	L. Allen Rhoads
Jno. W. Burkhart	J. J. Huff	Wade H. Riley
Chas. W. Burnley	W. N. Hughes	Amos Runyon
C. D. Call	Lee Johnson	Carl Scheben
Fred Carpenter	Paul S. Jonas	F. W. Schuhmann
Willis Champion	H. Clay Kauffman	Leon J. Shaikun
Jno. H. Clarke, Jr.	M. Kavanaugh	Faust Y. Simpson
A. Roy Copeland	G. M. Knuckles	George T. Smith
Marvin Cornett	Homer E. Losey	Robt. J. Spaulding
John Henry Cox	Pearl McKinney	E. A. Spencer
John P. Craig	C. C. May	Arthur Stallard
Fred Creasey	Harry L. Moore	Geo. W. Steinford
Thos. S. Dawson	Herbert V. Moore	Thos. M. Swope
Adron Doran	J. Lee Moore	C. W. Taylor
J. R. Dorman	L. D. Moore	Egbert V. Taylor
T. H. Dyer	W. B. Moser	H. Thieman, Jr.
Bernie S. Edlin	Coy C. Nevitt	Otis C. Thomas
Harry W. Ennis	Joe E. Nunn	E. B. Thompson
Dr. J. C. Gabbard	H. C. Patterson	John L. Trumbo
Chas. B. Gentry	Chester Peterson	S. J. Wagner
Franklin Goins	Albert W. Pfeiffer	Harry F. Walters
J. D. Gross	Sylvester Phillips	R. E. West
R. M. Hall	James T. Philpott	Taylor Witt
Jas. P. Hallahan	J. Gip Prather	—83

Resolved that the title thereof be as aforesaid.

Mr. Spencer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 168. An Act providing that a copy of the Ten Commandments be placed in each class room in each school in the Commonwealth.

Mr. Egbert V. Taylor moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 163. An Act relating to the acknowledgment of instruments.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) In addition to the acknowledgment of instruments and the performance of other notarial acts in the manner and form and as otherwise authorized by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other notarial acts performed, before or by any commissioned officer in active service of the armed forces of the United States with the rank of second lieutenant or higher in the army or marine corps, or with the rank of ensign or higher in navy or coast guard, or with equivalent rank in any other component part of the armed forces of the United States, by any person who either

(a) is a member of the armed forces of the United States, or

(b) is serving as a merchant seaman outside the limits of the United States, or

(c) is outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged.

(2) Such acknowledgment of instruments, attestation of documents, administration of oaths and affirmations, execution of depositions and affidavits, and performance of other notarial acts, heretofore or hereafter made or taken, are hereby declared legal, valid and binding, and instruments and documents so acknowledged, authenticated, or sworn to shall be admissible in evidence and eligible to record in this State under the same circumstances, and with the same force and effect as if such acknowledgment, attestation, oath, affirmation, deposition, affidavit, or other notarial act, had been made or taken within this State before or by a duly qualified officer or official as otherwise provided by law.

(3) In the taking of acknowledgments and the performing of other notarial acts requiring certification, a certificate endorsed upon or attached to the instrument or document, which shows the date of the notarial act and which states, in substance, that the person appearing before the officer acknowledges the instrument as his act or made or signed the instrument or document under oath, shall be sufficient for all intents and purposes. The instrument or document shall be rendered invalid by failure to state the place of execution or acknowledgment.

(4) If the signature, rank, and branch of service or subdivision thereof, of any such commissioned officer, appears upon such instrument or document or certificate, no further proof of the authority of such officer so to act shall be re-

quired and such action by such commissioned officer shall be prima facie evidence that the person making such oath or acknowledgment is within the purview of this act.

§ 2. Whereas this Nation is now engaged in a war and it is necessary for proper representation of the property interests of persons in the armed services of the Nation that this Act take effect promptly, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Quill offered the following amendments to said bill, viz.:

1. Amend H. B. 163 on page 2, section 1, lines 26 and 27 by striking lines 26 and 27 and inserting in lieu thereof the following:

"other official act, had been made or taken within this state before or by a duly qualified officer or official and under his appropriate certificate and seal of office as otherwise provided by law."

2. Amend H. B. 163 on page 1, section 1, lines 1 to 5 by striking lines 1 to 5 and inserting in lieu thereof the following:

"Sec. 1, (1) In addition to the acknowledgment of instruments and the performance of official acts in respect to instruments in the manner and form and as otherwise authorized by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other such official acts performed, before or by an commis-"

3. Amend H. B. 163 on pages 2 and 3, Section 1, subsec. 3 and 4 by striking lines 34 to 40 and inserting in lieu thereof the following:

"all intents and purposes."

(4) When the official signature of any such commissioner officer of the rank specified in subsec. (1) of this section appears upon such instrument, document or certificate, it shall be prima facie evidence that the person making such

Said amendments were each and severally agreed to.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	A. Roy Copeland	Dr. J. C. Gabbard
F. H. Bassett, Jr.	Marvin Cornett	Chas. B. Gentry
W. G. Biggers	John Henry Cox	Franklin Goins
Isaac Blevins	John P. Craig	J. D. Gross
Douglas T. Bolling	Fred Creasey	R. M. Hall
Jno. W. Burkhart	Thos. S. Dawson	Jas. P. Hallahan
Chas. W. Burnley	Adron Doran	Claude Hammons
C. D. Call	J. R. Dorman	B. C. Holbrook
Fred Carpenter	T. H. Dyer	Benton Howard
Willis Champion	Bernie S. Edlin	Clyde S. Howard
Jno. H. Clarke, Jr.	Harry W. Ennis	Jerry F. Howell

J. J. Huff	H. C. Patterson	Robt. J. Spaulding
W. N. Hughes	Chester Peterson	E. A. Spencer
Lee Johnson	Sylvester Phillips	Arthur Stallard
Paul S. Jonas	James T. Philpott	Geo. W. Steinford
Wm. E. Justice	J. Gip Prather	Joe Stewart
M. Kavanaugh	L. W. Preston	Thos. M. Swope
G. M. Knuckles	Kleber F. Price	C. W. Taylor
J. T. Linton	Edw. P. Prichard	Egbert V. Taylor
Homer E. Losey	James E. Quill	Roy L. Taylor
A. L. Love	C. R. Reeves	H. Thieman, Jr.
Pearl McKinney	L. Allen Rhoads	Otis C. Thomas
C. C. May	Wade H. Riley	E. B. Thompson
Johnston Miller	H. G. Royalty	John L. Trumbo
Harry L. Moore	Amos Runyon	S. J. Wagner
Herbert V. Moore	Carl Scheben	Harry F. Walters
J. Lee Moore	F. W. Schuhmann	R. E. West
L. D. Moore	Leon J. Shaikun	Taylor Witt
W. B. Moser	Faust Y. Simpson	
Joe E. Nunn	George T. Smith	—88

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 162. An Act providing for appointment of conservator in certain cases for persons serving in armed forces.

Mr. Quill moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 202. An Act relating to individuals exempt from poll tax.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 142.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) All citizens of this state who are sixty-five years of age or older are exempt from all poll taxes.

(2) (2) Any honorably discharged soldier, sailor or marine who has served ninety days or more in the military or naval forces of the United States, who was a resident of this state at the time of his induction into service, and who is totally disabled as evidenced by pension certificate or award of compensation, is exempt from all poll taxes.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Douglas T. Bolling	C. D. Call
F. H. Bassett, Jr.	J. C. Bradley	Fred Carpenter
W. G. Biggers	Jno. W. Burkhart	Willis Champion
Isaac Blevins	Chas. W. Burnley	Jno. H. Clarke, Jr.

A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Taylor Witt

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There voted in the negative—

H. C. Patterson

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Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 155. An Act relating to assessment of property for taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 133.120 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) Any taxpayer aggrieved by an assessment made by the tax commissioner may appeal to the board of supervisors. A letter or petition stating the reasons for appeal shall be filed with the county court clerk before the board convenes. The board shall hold a public hearing for all appeals, and after hearing all the evidence, it shall make such changes as are necessary to make appealed assessments valid. The board may on its own initiative increase an assessment or assess unlisted property, but in either instance it shall give notice to the owner if known, otherwise to the occupant, of its action and the day and date on which the taxpayer may appear before the board and protest its action. The tax commissioner or his deputy shall without further compensation serve the notice in the manner in which summons are required by the Civil Code of Practice to be served by the sheriff. After hearing all the evidence, the board shall make such changes in the assessments initiated by it against the protesting taxpayer as are necessary to make the assessments valid. The board of supervisors may issue subpoenas, compel the attendance of witnesses, administer oaths, and adopt rules and regulations concerning the conduct of its business.

(2) Any taxpayer feeling himself aggrieved by the final action of the board of supervisors may within thirty days

after its adjournment appeal to the circuit court or the Kentucky Tax Commission by filing a statement of the grounds for his appeal and a certified copy of the action of the board of supervisors. Upon taking such appeal to the circuit court the taxpayer shall give notice in the manner provided by the Civil Code of Practice to the Department of Revenue and the county attorney. The tax commissioner, the county judge, the Department of Revenue, the chief finance officer of any city using the county assessment, if the city elects so to do, or the superintendent of any school district in which property is located that was reviewed by the board of supervisors, may appeal to the circuit court or to the Kentucky Tax Commission in the same manner as a taxpayer. The court or Tax Commission shall hear the evidence de novo and fix a value upon the property which shall be equitable with assessments determined for other property by the county tax commissioner or the board of supervisors. Any of the parties may appeal from the judgment of the circuit court to the Kentucky Court of Appeals in the manner provided by the Civil Code of Practice for appeals from judgments of the circuit court or from the Kentucky Tax Commission to the Franklin Circuit Court as provided by law.

(3) It shall be the duty of the county attorney to represent the tax commissioner in all hearings before the board of supervisors or appeals from its decisions.

Mr. H. L. Moore offered the following amendment thereto, by way of Substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 133.120 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) Any taxpayer aggrieved by an assessment made by the tax commissioner may appeal to the Board of Super-

visors. A letter or petition stating the reasons for appeal shall be filed with the county court clerk between January 15 following the assessment date and the date the Board of Supervisors convene.

(2) The Board of Supervisors may on its own initiative increase an assessment, assess unlisted property or correct erroneous assessments appearing upon the tax roll. Provided, however, when unlisted property is assessed, or an assessment increased, the Board of Supervisors must notify the property owner of the assessment change and provide a date, which shall be stated in the notice, for the property owner to appear, in protest of the action of the Board if he so desires, before the assessment becomes final. The notice shall be given by the tax commissioner or his deputy by registered mail or as provided in the Civil Code of Practice, and for his services, the tax commissioner shall be allowed and paid from the appropriation from which the county tax commissioners are paid, the sum of twenty-five cents for each notice so served. On the date fixed the Board shall hold a public hearing for all appeals, either in protest of the action of the tax commissioner or in protest to the action of the Board of Supervisors, and after hearing all the evidence, shall make such changes as are necessary to make such assessments valid.

(3) The Board of Supervisors shall have power to issue subpoenas, compel the attendance of witnesses, administer oaths, and adopt rules and regulations concerning the conduct of its business.

(4) Any taxpayer feeling himself aggrieved by the final action of the Board of Supervisors may within thirty days after its adjournment appeal to the circuit court or the Kentucky Tax Commission by filing a statement of the grounds for his appeal and a certified copy of the action of the Board

of Supervisors. Upon taking such appeal to the circuit court the taxpayer shall give notice in the manner provided by the Civil Code Practice to the Department of Revenue and the county attorney. The tax commissioner, the county judge, the Department of Revenue, the chief finance officer of any city using the county assessment, if the city elects so to do, or the superintendent of any school district in which property is located that was reviewed by the Board of Supervisors, may appeal to the circuit court or to the Kentucky Tax Commission in the same manner as a taxpayer. The court or Tax Commission shall hear the evidence de novo and fix a value upon the property which shall be equitable with assessments determined for other property by the county tax commissioner or the Board of Supervisors. Any of the parties may appeal from the judgment of the circuit court to the Court of Appeals of Kentucky in the manner provided by the Civil Code of Practice for appeals from judgments of the circuit court or from the Kentucky Tax Commission to the Franklin Circuit Court as provided by law.

(5) It shall be the duty of the county attorney to represent the interests of the state and county in all hearings before the Board of Supervisors and on all appeals prosecuted from its decision.

Mr. H. L. Moore moved that said Substitute be printed and that said bill be made a Special Order of the Day for Wednesday, February 9, at three o'clock P. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 28. Resolution authorizing the binding of four copies of the final issue of the 1944 Legislative Digest.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. Four copies of the final issue of the Legislative Digest of 1944 shall be substantially bound by the printer, and deposited with the State Librarian.

§ 2. There is hereby appropriated the sum of twenty-five dollars, to pay for the binding provided for in section one, out of the appropriation made by Chapter 1 of the Acts of 1942 for legislative sessions.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Adron Doran	J. J. Huff
Isaac Blevins	J. R. Dorman	W. N. Hughes
Douglas T. Bolling	T. H. Dyer	Lee Johnson
J. C. Bradley	Bernie S. Edlin	Paul S. Jonas
Jno. W. Burkhart	Harry W. Ennis	Wm. E. Justice
Chas. W. Burnley	Dr. J. C. Gabbard	M. Kavanaugh
C. D. Call	Chas. B. Gentry	G. M. Knuckles
Fred Carpenter	Franklin Goins	J. T. Linton
Willis Champion	J. D. Gross	Homer E. Losey
Jno. H. Clarke, Jr.	R. M. Hall	A. L. Love
A. Roy Copeland	Jas. P. Hallahan	Pearl McKinney
Marvin Cornett	Claude Hammons	C. C. May
John Henry Cox	B. C. Holbrook	Johnston Miller
John P. Craig	Benton Howard	Harry L. Moore
Fred Creasey	Clyde S. Howard	Herbert V. Moore
Thos. S. Dawson	Jerry F. Howell	J. Lee Moore

L. D. Moore	James E. Quill	Geo. W. Steinford
W. B. Moser	C. R. Reeves	Joe Stewart
Joe E. Nunn	L. Allen Rhoads	C. W. Taylor
H. C. Patterson	Amos Runyon	Egbert V. Taylor
Chester Peterson	Carl Scheben	Roy L. Taylor
Albert W. Pfeiffer	F. W. Schuhmann	H. Thieman, Jr.
Sylvester Phillips	Leon J. Shaikun	Otis C. Thomas
James T. Philpott	Faust Y. Simpson	E. B. Thompson
J. Gip Prather	George T. Smith	S. J. Wagner
L. W. Preston	Robt. J. Spaulding	Harry F. Walters
Kleber F. Price	E. A. Spencer	R. E. West
Edw. P. Prichard	Arthur Stallard	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Prather moved that the vote by which resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 4. An Act to provide for an amendment to Sec. 147 of the Constitution, relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 157 of the Constitution of Kentucky is amended to read as follows:

The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more; and may provide by general law for the registration of other voters in the

State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity, the voting shall be viva voce and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. Provided that counties so desiring may use voting machines, these machines to be installed at the expense of such counties. The word "elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The General Assembly shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled, may have their ballots marked or voted as herein required. Nothing in this section is intended to prevent the General Assembly from enacting suitable laws to permit the casting of a vote, in any election by the people, by any person who, by reason of being in the military or naval service of the United States, or in the service of the militia of this Commonwealth, is required to be absent from his voting precinct or ward on the day of election.

§ 2. This amendment shall be submitted to the people in the manner provided by Section 256 and 257 of the Constitution of Kentucky and by Section 118.430 of the Kentucky Revised Statutes.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
John H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson

John L. Trumbo R. E. West Speaker Harry
S. J. Wagner Taylor Witt Lee Waterfield
Harry F. Walters

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Mr. Quill offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 4 by adding at the end of the present title the words "This Act shall be known as the Swope-Howard-Moore Act."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Swope moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 139. An Act relating to contract and common carriers by motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.300 of the Kentucky Revised Statutes is hereby repealed, amended and re-enacted so that when amended and re-enacted it shall read as follows:

(1) No operator of a motor vehicle for hire shall permit such vehicle to be operated upon the public highways unless the driver or chauffeur thereof has obtained, and from

time to time has renewed, in accordance with the requirements of the division, a certificate of the division to the effect that the driver or chauffeur has met its requirements with respect to his health, vision, sobriety, intelligence, care, ability and experience.

(2) The Circuit Clerk of each county shall:

(a) Act for the division for the purpose of issuing certificates and badges referred to in subsection (1) of this section.

(b) Issue a certificate, when he has determined that the applicant has fully complied with the law governing applications.

(c) Report and remit to the division not later than the 10th day of the month following that in which the certificates were issued.

(d) Keep adequate records of all monies collected and remitted to the division.

(e) Keep in his office at all times available to the division a record of all certificates issued in his county.

(3) The certificate shall cost two dollars, of which twenty-five cents shall be retained by the circuit court clerk to defray expenses of issuing the certificate and maintenance of records and the remaining one dollar and seventy-five cents shall be paid into the State Treasury. The holder of such a certificate, at all times when operating a motor vehicle for hire, shall have the certificate in his possession, and shall wear a badge, to be issued by the circuit clerk, indicating that he is a certified driver or chauffeur.

(4) The division may, for good cause, upon complaint or upon its own motion, revoke or suspend any such certificate, and the certificate and badge shall thereupon be returned to the division.

Mr. Shaikun moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Chas. B. Gentry	Herbert V. Moore
F. H. Bassett, Jr.	Franklin Goins	J. Lee Moore
W. G. Biggers	J. D. Gross	L. D. Moore
Isaac Blevins	R. M. Hall	W. B. Moser
Douglas T. Bolling	Claude Hammons	C. Sid Nabb
J. C. Bradley	B. C. Holbrook	Coy C. Nevitt
Jno. W. Burkhart	Benton Howard	Joe E. Nunn
Chas. W. Burnley	Clyde S. Howard	H. C. Patterson
Fred Carpenter	J. J. Huff	Chester Peterson
Willis Champion	W. N. Hughes	Albert W. Pfeiffer
John H. Clarke, Jr.	Lee Johnson	Sylvester Phillips
A. Roy Copeland	Paul S. Jonas	James T. Philpott
Marvin Cornett	Wm. E. Justice	J. Gip Prather
John Henry Cox	M. Kavanaugh	L. W. Preston
John P. Craig	G. M. Knuckles	Kleber F. Price
Fred Creasey	J. T. Linton	Edw. P. Prichard
Thos. S. Dawson	Homer E. Losey	James E. Quill
Adron Doran	A. L. Love	C. R. Reeves
J. R. Dorman	Pearl McKinney	Wade H. Riley
T. H. Dyer	C. C. May	H. G. Royalty
Bernie S. Edlin	Johnston Miller	Amos Runyon
Dr. J. C. Gabbard	Harry L. Moore	Carl Scheben

F. W. Schuhmann	Geo. W. Steinford	E. B. Thompson
Leon J. Shaikun	Joe Stewart	John L. Trumbo
Jno. W. Simmons	Thos. M. Swope	S. J. Wagner
Faust Y. Simpson	C. W. Taylor	Harry F. Walters
George T. Smith	Egbert V. Taylor	R. E. West
Robt. J. Spaulding	Roy L. Taylor	Taylor Witt
E. A. Spencer	H. Thieman, Jr.	
Arthur Stallard	Otis C. Thomas	—88

Resolved that the title thereof be as aforesaid.

Mr. Shaikun moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 185. An Act relating to the investment of funds.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 386.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the Federal Government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act (39 Stat. 360) as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(f) Obligations representing loans and advances of credit that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(g) Loans, secured by real proprety or lease-hold, that the Federal Housing Administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(h) Real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities which would be regarded by prudent businessmen as safe investments;

(i) Real estate, after obtaining the approval of the circuit court for such investment; and

(j) Life insurance, endowment and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the Circuit Court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment.

(2) Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
John H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
Fred Creasey
Thomas S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor

Egbert V. Taylor	E. B. Thompson	R. E. West	
Roy L. Taylor	John L. Trumbo	Taylor Witt	
H. Thieman, Jr.	S. J. Wagner		
Otis C. Thomas	Harry F. Walters		—91

Resolved that the title thereof be as aforesaid.

Mr. Walters moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 190. An Act relating to probate law and procedure.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Notice to Creditors; Publication.* At least once each month and not more than once each week, the clerk of each county court shall cause to be published in a newspaper having general circulation in the county a notice containing all of the appointments of administrators and executors made during the previous month, or since the last preceding publication, which shall be substantially as follows:

"Notice to Creditors. Administration has been granted by the county court upon the following estates:

....., deceased,
....., Administrator or Executor,
Address .....

All persons having claims against said estates are notified to present them to the Administrator or Executor, verified

according to law, not later than ..... (Said date to be fixed by the clerk as three months after publication of the notice.)''

The actual cost of such notice or the proportionate part thereof, if it contains more than one appointment, shall be charged to each fiduciary by the clerk as costs. The court may in its discretion dispense with such publication when the gross assets of an estate are insufficient to pay preferred claims. The court may also dispense with publication in cases where the gross assets of an estate, including real and personal property, do not exceed $500.00 in value, in which case the fiduciary, within one month after his appointment, shall be required to post three written notices in prominent places, including the courthouse of the county of his appointment, setting forth the fact of his appointment and notifying creditors of the decedent to present their claims to him by a designated date, which shall be three months after the date on which the notices are posted.

§ 2. Sections 386.080, 395.200, 395.210 and 396.120 of the Kentucky Revised Statutes, relating to sales of personal property of decedents, are repealed, and in lieu thereof is enacted the following:

Sale of Personal Property. (1) At any time after the appointment of a fiduciary, whenever it shall be necessary to secure authority to sell personal property belonging to an estate, the county court, when satisfied that it would be for the best interests of the estate, may authorize such fiduciary to sell, at public or private sale, at a fixed price or for the best obtainable, and for cash or on such terms as the court may determine, any part or all of the personal property belonging to the estate, including dividend-paying and interest-bearing securities, except:

(a) Such tangible personal property as has been set apart to the surviving spouse as exempt.

(b) Property specifically bequeathed, when sale of such property is not necessary for the payment of debts, provided that such property may be sold with the consent of the person entitled thereto.

(c) Property as to which distribution in kind has been demanded prior to the sale by the surviving spouse or other beneficiary entitled to such distribution in kind, or property which the court may determine to be suitable for distribution in kind.

(d) Property, the sale of which is contrary to the wish of the testator, as shown by his will, unless the court finds that the sale is necessary to pay debts, funeral and burial expenses, and costs of administration, or that the retention of it will probably cause great loss to the estate.

(2) If the court directs any of such personal property to be sold at public sale, the court shall direct the nature and extent of the advertising of such sale. Nothing herein shall limit or qualify the powers granted by will to executors and trustees.

§ 3. Section 387.280 of the Kentucky Revised Statutes is amended to read as follows:

Amounts of $100.00 or Less Due to Persons under Disability. Whenever a person under a disability having no guardian or committee is entitled to receive a sum not exceeding $100.00, exclusive of interest, in any action wherein real estate has been sold or in the settlement of any estate or from any other source, the court in which the action is pending, or, if the sum does not derive from such action, the county court, may order the sum to be paid to the person having custody of such ward. Before entering the order, the court shall be satisfied by affidavit or oral testimony that the ward is in the custody of the person to whom it is proposed to pay the money, and the latter, upon withdrawal of the money, shall be under

obligation as trustee to expend it for the support, maintenance or education of the ward. When the order is made no bond shall be required of the person having custody of the ward and the purchaser of the real property may pay the share into court, and no lien shall remain on the property therefor and the money may be withdrawn by the person mentioned in the order without his giving bond. A release executed by the person to whom the court has ordered the sum paid shall have the same effect as a release by a duly appointed guardian or committee.

§ 4. Section 395.001 of the Kentucky Revised Statutes is amended to read as follows:

Definition of Fiduciary. The term "fiduciary" as used in Kentucky Revised Statutes 25.175, 25.195, 25.200, 25.205, 395.005, 395.105, 395.145, 395.200, 395.255 and 395.990 means any person, association, or corporation (other than assignee or trustee for an insolvent debtor or a guardian under the Uniform Veterans' Guardianship Act) appointed by, or under the control of, are accountable to, the county court, including executors, administrators, administrators with the will annexed, testamentary trustees, curators, guardians and committees.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	B. C. Holbrook	Edw. P. Prichard
F. H. Bassett, Jr.	Benton Howard	James E. Quill
W. G. Biggers	Clyde S. Howard	C. R. Reeves
Isaac Blevins	Jerry F. Howell	L. Allen Rhoads
Douglas T. Bolling	J. J. Huff	Wade H. Riley
J. C. Bradley	W. N. Hughes	H. G. Royalty
Jno. W. Burkhart	Lee Johnson	Amos Runyon
Chas. W. Burnley	Paul S. Jonas	Carl Scheben
C. D. Call	Wm. E. Justice	F. W. Schuhmann
Fred Carpenter	G. M. Knuckles	Leon J. Shaikun
Willis Champion	J. T. Linton	George T. Smith
John H. Clarke, Jr.	Homer E. Losey	Robt. J. Spaulding
A. Roy Copeland	A. L. Love	E. A. Spencer
Marvin Cornett	Pearl McKinney	Arthur Stallard
John Henry Cox	C. C. May	Geo. W. Steinford
John P. Craig	Harry L. Moore	Joe Stewart
Thomas S. Dawson	Herbert V. Moore	Thos. M. Swope
Adron Doran	J. Lee Moore	C. W. Taylor
J. R. Dorman	L. D. Moore	Egbert V. Taylor
T. H. Dyer	W. B. Moser	Roy L. Taylor
Harry W. Ennis	C. Sid Nabb	H. Thieman, Jr.
Dr. J. C. Gabbard	Joe E. Nunn	Otis C. Thomas
Chas. B. Gentry	Chester Peterson	E. B. Thompson
Franklin Goins	Sylvester Phillips	John L. Trumbo
J. D. Gross	James T. Philpott	S. J. Wagner
R. M. Hall	J. Gip Prather	R. E. West
Jas. P. Hallahan	L. W. Preston	Taylor Witt
Claude Hammons	Kleber F. Price	—83

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Without objection, the following bills were introduced, viz.:

By Mr. Walters.

H. B. 256. An Act pertaining to motor carrires.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 281.020 of the Kentucky Revised Statutes is amended to read as follows:

The provisions of this chapter do not apply to:

(1) Motor vehicles used for the transportation of property for hire operating exclusively within the limits of a city or within its suburban area.

(2) Motor vehicles used as a school bus and while engaged in the transportation of students, under the supervision and control, and at the direction, of school authorities.

(3) Motor vehicles being used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members, where the vehicle is owned or leased exclusively by the association.

Motor vehicles, regardless of ownership, used exclusively:

(a) For the transportation of agricultural and dairy products (including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs), while owned by the producer of the products (including landlord where the relation of landlord and tenant or landlord and cropper is involved) from the farm to a market, ware-

house, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill; or

(b) For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or

(c) For both of the purposes described in paragraph (a) and (b) of this subsection.

(5) Motor vehicles used as a church bus and while engaged in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control, and at the direction, of church authorities.

(6) Motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highway, road or street in this state.

(7) Motor vehicles used for the exclusive transportation of members of the armed forces on educational or recreational trips under the supervision and control of and under the exclusive direction of military authorities. Such vehicles, however, shall be insured as other vehicles under this chapter. This exclusion shall be limited to the duration of the present National Emergency.

2. Section 281.025 of the Kentucky Revised Statutes is repealed.

By Mr. Shaikun.

H. B. 257. An Act relating to registration and purgation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 117.330, 117.340, 117.350, 117.360, 117.370, 117.380, 117.390, 117.400, 117.410, 117.420, 117.430, 117.440, 117.460, 117.470, 117.480, 117.490, 117.520, 117.540, 117.550, 117.560, 117.570, Kentucky Revised Statutes 1942 (First Edition), be and the same are hereby repealed, amended and re-enacted so that when re-enacted same shall read as follows:

In counties having cities of the first class, the purgation of registration lists in said cities, in addition to the purgation now provided by law, shall be conducted exclusively in the following manner:

It shall be the duty of the board of registration commissioners of cities of the first class to cause a purging and correcting of the registration lists and records for party primaries upon the request in writing of the county executive committee of any political party having representation upon the State Board of Election Commissioners, upon the request in writing of any candidate for office in any primary, or upon the request in writing of any citizen, the lists, containing the name, address and precinct of each voter challenged, to be submitted at least fifty-five (55) days before such primary:

Said purging and correcting of the records shall be conducted in the following manner:

It shall be the duty of said board of registration commissioners to cause to be made a canvass of each voter challenged by any county executive committee of a political party, candidate or citizen, when such executive committee, candidate or citizen shall have filed with said board a written list, specifying the name and address of the challenged voter and the grounds of the challenge, and such list shall be signed by the chairman of said county executive committee, or his duly authorized agent or by such candidate or citizen. The canvass of such challenged voters shall be made jointly by two in-

vestigators for each two hundred (200) names of challenged voters submitted. Said two investigators shall be appointed by said board of registration commissioners from lists submitted by the county executive committees of the two dominant political parties having representation upon the said board of election commissioners, the list submitted by each county executive committee to contain not less than four names for each precinct in which the names of voters are being challenged and such lists shall be submitted by such executive committee not later than sixty (60) days before such primary. One of such investigators shall be selected from each of the two dominant political parties aforesaid and they shall make their investigation jointly. Said investigators shall be sworn by a member of said Board faithfully to perform their duties.

Said investigators shall be appointed five (5) days in advance of the date specified by the said board of registration commissioners for the commencement of the canvass, and, in the discretion of the Board, may be removed by said Board and substitutes appointed therefor from the lists submitted. Said canvass shall be made during the first three (3) weeks of the sixty-day period next preceding the date upon which the primary is to be held.

Said board of registration commissioners shall prepare and furnish each investigator with a list of the names and addresses of the challenged voters which he is to investigate, arranged in convenient order to facilitate investigation. The two investigators, appointed as herein provided for each two hundred (200) challenged voters, shall make a written report to said board of registration commissioners not later than the last day of the three-week period provided for herein to make said canvass, giving the names and addresses of all of such challenged voters, stating which of said voters are properly registered and legally entitled to vote in the primary election to be held in such year, which of said voters are not properly

registered or are not legally entitled to vote at the subsequent primary election, and which of said voters they cannot agree upon as to their eligibility to vote in said primary election. When said reports of the investigators assigned jointly to investigate any given list of voters agree that any person on said list is not legally entitled to vote at the primary election to be held in such year, said board of registration commissioners shall remove, transfer, or cancel the registration of such voter, as the case may be, so as to make said record correspond with the report of the investigators and correct same to the date of said report; provided, however, that no such change shall be made until after notice shall have been mailed to the person affected to the address appearing upon the registration record, stating that it is the intention of said board of registration commissioners to change, transfer or cancel such registration unless a written protest is filed within seven (7) days from the date of the mailing of such notice at the office of said Board; in the event written protest is filed by, or on behalf of, the challenged voter, no such change shall be made until after the protestant has been given reasonable opportunity to appear before said Board and be heard as to his right to vote, at which hearing the right of the protestant to vote shall be determined by the board of registration commissioners. The determination of said board of registration commissioners as to the challenged voter's right to vote shall be final, unless appealed, as hereinafter provided. The investigators herein provided for shall be paid for their services by the fiscal court of the county in which they are appointed, after proper certification in writing of the amount due by the chairman and the secretary of said board of registration commissioners, at the rate of three cents (3c) per name investigated, but not to exceed Five Dollars ($5.00) per investigator for any one precinct. All other expenses of conducting such a purging of the registration records shall be borne by said Board of Registration Commissioners. In the event the investigators disagree as to whether or not any voter is prop-

erly registered and legally entitled to vote in the primary election to be held in such year they, or either of them, shall reduce to writing the facts as developed and certify such statement of facts, to the Board of Registration Commissioners, which Board shall cause a notice to be mailed to the person effected, at the address appearing upon the registration record on file in the office of the Board, stating that the said Board has before it for decision the question as to whether or not the registration of such person should be changed, transferred or cancelled and that it is the duty of such person, or someone on behalf of such person, to file protest within seven (7) days in the office of the Board of Registration Commissioners. After the expiration of seven (7) days from the mailing of said notice, the Board of Registration Commissioners shall promptly hear the question of the right of such person to vote and shall determine such right.

Any citizen of a city of the first class, or either county executive committee, may challenge the registration of any voter before any primary, regular or special election. The challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of the challenge, and shall be filed not later than fifty-five (55) days prior to such primary, regular or special election at the office of the board of registration commissioners of the city. The board of registration commissioners of the city shall conduct a hearing thereon, at such time as is fixed by said board, after notice in writing has been served upon the challenged voter, either by delivering, or offering to deliver, a copy of said notice to him in person, or, if said voter cannot be found at his place of residence shown on his registration record, by leaving a copy thereof with any person over the age of sixteen, residing in the same family with said voter, or if no such person be there, by fixing a copy of said notice to the front door of such place of residence. The person who serves such notice shall return a copy thereof to said Board with an endorsement thereon,

stating when and how it was served, and, if a copy is not delivered to the person to whom it was directed, the endorsement must state the facts authorizing the manner of service adopted and the official position of the person serving such notice. If the person serving the notice be not an officer, he must make affidavit that his endorsement is true, that he is over sixteen years of age, and that he is not a party to nor interested in the proceeding. Such an endorsement of an officer, or such endorsement and affidavit of one who is not an officer, shall be proof of service. After said notice has been served, in the manner set out above, the said Board shall decide the right of the challenged voter to vote in the primary, regular or special election. The Board shall investigate each case before a hearing is held.

The failure of any challenged voter to appear, after notice of challenge has been served upon him as provided in this section, shall be prima facie evidence that he is not entitled to be registered, and his registration record shall be cancelled, transferred or suspended as the case may be.

No decision of the Board of Registration Commissioners of a city of the first class, affecting the right of a voter to vote in any primary, regular or special election, or removing, transferring, cancelling or suspending his registration, shall be rendered by such board later than ten days before any election.

§ 2. If said Board of Registration Commissioners, or County Clerk, finds that there are names of persons upon the registration lists or books who are properly and legally registered, but further find that any of such voters are not entitled to vote in the next primary, general or special election, said Board or County Clerk shall not cancel said registration but shall cause the registration cards or names of such voters to be removed from the registration lists or books and retained in the office of the Board or County Clerk, so that said

names shall not be sent to the precincts on election day for said coming election in which said voters are not qualified to participate. The registration cards so retained shall be held in some secure place and identified as suspended lists of registered voters, and the names of said voters shall not be replaced in the registration lists or books by said Board of Registration Commissioners or County Clerk until such time as said voters may be eligible to vote.

In all counties of the Commonwealth, excepting counties containing cities of the first class, in which case in only that portion of such counties outside of the cities of the first class, the purgation of registration lists in such counties shall be conducted in the following manner.

When the county executive committee of any political parties having representation on the State and County Board of Election Commissioners, or any candidate for office in any primary, or any citizen, shall notify the county court clerk in writing of its, or his, desire to purge the registration list of any precinct, said county court clerk shall appoint two officers for each such precinct, whose duty it shall be to purge the registration lists in that precinct. These officers need not reside in the precinct to be purged. The written request for such purging shall be filed by any such county executive committee, candidate or citizen, with the county court clerk not later than fifty-five (55) days before the next ensuing primary, general or special election in any year. Such request shall state the name and address of each voter whose name is challenged and the ground upon which challenged. It shall thereupon be the duty of the county court clerk to appoint two purgation officers from lists submitted by the county executive committees aforesaid, the list submitted by each county executive committee to contain not less than four (4) names for each precinct in which the names of voters are being challenged and shall be submitted not later than sixty (60) days before such primary, general or special election, one of such purgation

officers being selected from each of the two dominant political parties having representation on the State Board of Election Commissioners. If a county executive committee, aforesaid, fails to submit a list within the time limited above, such county court clerk may nominate and appoint purgation officers to act on behalf of such committee.

Said purgation officers shall be appointed five (5) days in advance of the date specified by the county court clerk for the commencement of the canvass, which shall be completed not later than three (3) weeks before any primary, general or special election, and may, in the discretion of the county court clerk, be removed by such clerk and substitutes appointed therefor from the lists submitted.

The list of challenged voters shall be turned over to these two purgation officers who shall be sworn by the county court clerk faithfully to discharge their duties as such. The list of names of the challenged voters shall contain the precincts and addresses of such voters as shown upon the registration records on file in the office of the county court clerk. The two purgation officers appointed, as aforesaid, shall go in person to each address shown on such list and make a thorough, complete and careful investigation at such addresses and in the the immediate neighborhood for the purpose of determining whether each challenged voter is properly and legally registered and legally entitled to vote at the next ensuing primary, general or special election. After making a full, complete and careful investigation and hearing such facts as may be presented, the purgation officers shall determine whether the voter is properly and legally registered. If the purgation officers find that the challenged voter is not properly and legally registered, his registration shall thereupon be cancelled by them. Appeals from the action of the purgation officers may be taken in the manner hereinafter provided. If they find that he is legally and properly registered, they shall so report to the county court clerk. The county court clerk

shall turn the "copy" registration record of the precinct over to such purgation officers when they are to make their investigation, taking their receipt therefor, and upon the conclusion of their investigation, the purgation officers shall return such registration record to the county clerk and take his receipt therefor. Immediately after the purgation officers return such registration records, the county court clerk shall forthwith mail to each challenged voter, whose registration has been cancelled by the purgation officers, a notice, stating that his registration has been cancelled by the purgation officers, such notice to be mailed to the person affected, at the address appearing upon the registration record on file in the office of the county court clerk. Such notice shall be made out in duplicate by the county court clerk and shall contain a statement to the effect that the purgation officers have found that the challenged voter is not properly and legally registered and is not legally entitled to vote at the next ensuing Primary, General or Special election and that such voters registration has been cancelled; further, that such voter, if aggrieved by the action of such purgation officers in cancelling his registration, has the right to apply for review to the county court or to the judge of the circuit court of the county of such voter's residence, at any time within one (1) hour before the time fixed by law for the closing of the polls at the next ensuing election; the duplicate of such notice shall be retained with the registration records in the office of the county court clerk and the original shall be mailed by such clerk in an envelope properly addressed to the voter whose registration has been cancelled, at the address appearing upon the voter's registration record on file in the office of the county court clerk and in the upper lefthand corner of the envelope in which such notice is mailed there shall be set forth the name of the county clerk, the title of his office and his address. The county court clerk shall be paid for the services set out above at the rate of seven (7c) cents per notice and copy mailed, which shall include the cost of postage. In the event the purgation

officers disagree as to whether the registration of any person should be cancelled, they, or either of them, shall reduce to writing the facts as developed and certify such statement of facts to the county court clerk, who shall forthwith assign the case of each such voter challenged to the judge of the county court, who shall promptly hear the case de novo, after notice to the challenged voter as hereinafter provided, summarily decide the question, and endorse on the statement an order disposing of the same, returning the statement with his endorsement thereon to the clerk. The clerk, upon receipt of such certification from such purgation officers, shall immediately issue a notice to the challenged voter to appear before the judge of the county court not later than five (5) days after the service of such notice, which notice shall be served as provided for under Section 625 of the Civil Code of Practice and may be served by an officer who is authorized to serve a summons or by any person who is over the age of sixteen (16) years, as is provided for under Section 624 of the Civil Code of Practice and the return on said notice shall be made as provided for under Section 624 of the Civil Code of Practice. The purgation officers herein provided for may be paid for their services reasonable compensation by the fiscal court of the county in which they are appointed, not to exceed the rate of five (5c) cents per name investigated. In order that the fiscal court may determine whether or not it desires to pay such purgation officers for their services rendered, such purgation officers shall present to the fiscal court a written verified statement showing the names, addresses and precincts of the challenged voters investigated by the purgation officer and the dates on which said investigations were made.

The county court clerk shall be paid by the fiscal court for his services in assigning the case of each such voter challenged to the judge of the county court, issuing the notice to the challenged voter to appear before the judge of the county court and filing the return of such notice, the sum of seven

(7c) cents for each notice and copy issued. The Fiscal Court may pay the person, or officer, serving such notice reasonable compensation, not to exceed ten (10c) cents for each notice executed.

When any person is aggrieved by any act of said board of registration commissioners, or by any county clerk, acting on a report of the purgation officers in respect to his registration, as provided for herein, or as otherwise provided for by law, such person shall have the right to apply for a review thereof to the county court or to any judge of the circuit court of the county of such voter's residence, at any time up to one (1) hour before the time fixed by law for the closing of the polls, at any primary, general or special election. Such application shall consist of a written statement on printed forms to be furnished by said board of registration commissioners, or by the said county clerk, setting forth the act of said board, or clerk, complained of and the grounds of his complaint. Before such application is made, written notice shall have been given to said board of registration commissioners or to said county clerk, as the case may be, setting forth the name of the judge, or court, before whom, and the time and place at which, such application will be made and the grounds therefor, so as to give said board of registration commissioners, or said county clerk, as the case may be, a reasonable opportunity to be present and to be heard at such time and place. The judge, or court, to whom such application is made shall, at the time fixed on the notice or a subsequent time appointed by said judge, or court, summarily decide the question presented and endorse on the statement of complaint an order disposing of the same. The action of said judge, or court, in such case shall be final and, upon return of the statement of complaint with the order of the judge, or court, disposing of same, endorsed thereon, to said board of registration commissioners, or to said county clerk, as the case may be, said board, or clerk, shall correct its, or his records, in accordance with such order. If the order

of such judge, or court, is received after the registration records have been sent to the precinct of the voters' residence for use in the current election, to be, or then being, held, then such board, or clerk, as the case may be, in the event the voter's application for reinstatement has been granted, shall issue a certificate to the election officers of the precinct of the voters' residence, setting forth the order of the judge, or court.

It is hereby declared to be the legislative intent that each and every paragraph and section of this act shall be severable and that the General Assembly would have enacted each and every paragraph hereon separately. In the event it should be adjudged that any paragraph, or section, hereof is unconstitutional, or void, such adjudication shall, in no way, affect such paragraph, sections or parts hereof not adjudged to be unconstitutional.

Any person who shall knowingly and wilfully fail to perform any of his duties set forth in this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ten dollars ($10) nor more than five hundred dollars ($500) for each offense.

Nothing contained in this act shall, in any way, affect, change, or alter the qualifications of any voter in any election held in this State.

All laws in conflict with this act are hereby expressly repealed.

By Mr. Carpenter.

H. B. 258. An Act relating to admission of circuit court clerks who have served for twelve years consecutively to practice law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Number 30.080 of Chapter 30 of the Kentucky Revised Statutes 1942 be amended so as to read as follows:

"That all persons, resident in this Commonwealth, who have served for twelve consecutive years as a Clerk of a Circuit Court therein, be and they are admitted and allowed to practice law in all of the courts of this Commonwealth. Upon presentation to the Board of Bar Examiners of a certificate of honesty, probity and good demeanor, and of the fact that they have served for such time as herein required by the Circuit Judge of the County of their residence; the said board will issue to them a license authorizing them to engage in said practice."

It is declared that an emergency exists by reason of the scarcity of persons available who are qualified to transact legal business in this State on account of War conditions, and this act shall become operative and go into force and effect upon the passage thereof.

By Mr. Shaikun.

H. B. 259. An Act relating to narcotic drugs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (14) of section 218.010 of the Kentucky Revised Statutes is amended to read as follows:

(14) "Narcotic drugs" means coca leaves, opium, isonipecaine (the substance identified chemically as 1-methyl-4-phenylpiperidine-4-carbonylic acid ethyl ester, or any salt thereof by whatever trade name identified), cannabis, and

every other substance neither chemically nor physically distinguishable from them.

By Mr. Royalty.

H. B. 260. An Act relating to State Parks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Division of Parks in the Department of Conservation is hereby authorized and it shall be its duty immediately upon the passage of this Act to open negotiations for the purpose of accepting as a gift to The Commonwealth of Kentucky, the Francis Berry house in Washington County, Kentucky, in which NANCY HANKS was living at the time of her marriage to Thomas Lincoln on June 12, 1806 and to move and erect the same in the Lincoln Homestead Park at Springfield, Washington County, Kentucky, so as to preserve it to posterity.

The sum of Forty Eight Hundred ($4,800.00) Dollars is hereby appropriated for the purpose of removing, erecting and furnishing the said house in said Lincoln Homestead State Park. The said sum is to be paid out of the State Treasury to the Division of Parks, over and above its regular appropriation.

By Mr. Peterson.

H. B. 261. An Act relating to transportation of school children.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.110 of the Kentucky Revised Statutes is amended to read as follows:

Boards of education shall furnish transportation from their general funds or otherwise for pupils of elementary grade who reside more than one-half mile from the school provided for them, and any board of education may provide transportation from its general funds or otherwise for pupils above elementary grade who reside more than one-half mile from the school provided for them. The boards of education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the State Board of Education dealing with the transportation of pupils.

By Mr. Dawson.

H. B. 262. An Act relating to airports in counties containing cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of Section 183.140 is amended to read as follows:

(1) In each county in which there is a city of the first class there shall be a bi-partisan board composed of six members, known as the (name of city) and (name of county) Air Board. The Board shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with, and do all things reasonable or necessary to effectively carry out the work contemplated by KRS 183.140 to 183.210.

§ 2. Section 183.150 of the Kentucky Revised Statutes is amended to read as follows:

The purpose of the board shall be to establish and maintain one or more airports and facilities to provide for transportation by air of passengers, express and mail, and to provide one or more airports and facilties for the use of the Federal Government. The board shall have such powers as may be necessary or desirable to promote aviation and the development of facilities for air travel and transportation.

By Mr. Rhoads.

H. B. 263. An Act relating to lawful fence.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 256.010 of the Kentucky Revised Statutes is amended and re-enacted, and when so amended and re-enacted will read as follows:

(1) "Lawful fence" means:

(a) A strong and sound fence, four feet high, so close that cattle cannot creep through, made of rails, or plank, or wire and plank, or wire, or iron, or hedge, or stone or brick; or

(b) A ditch three feet deep and three feet broad, with a hedge two feet high or a rail, plank, stone, smooth or barbed wire or brick fence two and one-half feet high on the margin of the ditch, if the fence is so close that cattle cannot creep through.

(2) As used in the chapter, unless the context required otherwise, "railroad" means the person who owns a right of way and owns or controls a railroad in this state that has been in operation for five years.

By Mr. Rhoads.

H. B. 264. An Act relating to fees and commissions allowed county court clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the county court clerk, in each county, shall be allowed five per cent commission on the amounts collected for state taxes on legal processes and instruments provided for under Section 142.010, Kentucky Revised Statutes, 1942 (First Edition) said five per cent commission to be retained by the county clerk on said sums reported to the Department of Finance and paid by the county clerk into the state treasury.

Ordered that said bills be printed and referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 8, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Paul L. Staufer of the Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	F. H. Bassett, Jr.	Douglas T. Bolling
Henry Arrowood	W. G. Biggers	J. C. Bradley

Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
John H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thomas S. Dawson
Adron Doran
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
Gip J. Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill moved that a bill entitled:

H. B. 178. An Act to create the office of Assistant Commonwealth's Attorney in Judicial Districts having population of 200,000 or less.

Be recommitted to the Committee on Courts.

Said motion was agreed to.

Mr. Trumbo moved that a bill entitled:

H. B. 21. An Act relating to taxation—coin operated mechanical devices, etc.

Be taken from the hands of the Committee on Revenue and Taxation.

And advanced to a reading.

Without objection, said motion was withdrawn by Mr. Trumbo.

The Standing Committee of the House to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Burnley of the Committee on Ways and Means.

S. B. 21. An Act amending Sec. 42.140 KRS relating to state employees.

H. B. 241. An Act relating to legislative research, audits and studies, etc.

H. B. 215. An Act authorizing county clerks, county sheriffs, county jailers and circuit clerks to execute bond with good surety, in counties containing a population of 75,000 or more.

H. B. 255. An Act relating to elections of electors of President and Vice President.

H. B. 95. An Act prohibiting the removal by the Governor of any officer appointed by him during said officer's term except for cause.

By Mr. J. Lee Moore of the Committee on Appropriations.

H. Res. 19. Resolution appropriating the sum of $300.00 as payment for sound equipment in House chamber.

H. B. 227. An Act appropriating money for general fund for fiscal year ending June 30, 1944 supplementing appropriation to Department of Agriculture.

H. B. 35. An Act appropriating money for the operation and functioning of the State Government for fiscal year ending June 30, 1945 and June 30, 1946.

With Committee amendments thereto.

By Mr. Wagner of the Committee on Banks and Banking.

S. B. 40. An Act to authorize the appointment of a nominee by banking institutions.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Carpenter of the Committee on Roads and Highways No. 1.

H. B. 167. An Act relating to appropriations for county roads.

H. B. 209. An Act relating to county roads and bridges.

With a Committee Amendment thereto.

Without an expression of opinion.

No motion having been made to advance said bills to a reading, it was ordered that said bills be not read at length the first time.

Ordered that said bills be laid on the Clerk's Desk.

By Mr. Reeves of the Committee on Public Health.

H. B. 41. An Act relating to registration districts, and local registrars for vital statistics.

With the expression of opinion that said bill ought not to pass.

No motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bill be not read at length the first time and so said bill was rejected.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 102. An Act to amend Sec. 91.320 KRS, 1942 so as to permit the joint taking of schedules or lists of taxable property by the city assessor of cities of the first class.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

And that they had passed bills and resolutions which originated in the Senate, entitled:

S. Res. 7. Resolution authorizing Thomas B. Lowman of Lexington to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Thomas B. Lowman of Lexington, Fayette County, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Boyle Circuit Court for damages resulting from personal injuries, loss of time, and expenses incurred caused by the alleged negligence on the part of the employees of the Commonwealth of Kentucky while the said Thomas B. Lowman was in the line of duty as an employee of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim or claims against the Commonwealth herein, and settle said claims before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund from warrant drawn by the Commissioner of Finance upon the Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals. The limit of liability is $1,216.27.

No statement in this Resolution shall be construed by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

The authority to sue the Commonwealth is dependent upon showing that the employment was with the Commonwealth and not with an independent contractor.

S. Res. 8. Resolution authorizing Zach W. Lee of Lexington to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Zach W. Lee of Lexington, Fayette County, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Boyle Circuit Court, for damages resulting from personal injuries, loss of time, and expenses incurred, caused by the alleged negligence on the part of employees of the Commonwealth of Kentucky while the said Zach W. Lee was in the line of duty as an employee of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim or claims against the Commonwealth herein, and settle said claim or claims, before or after suit is filed, if he deems it advisable.

Any amount received in said suit or by settlement with the Attorney General shall be paid out of the general fund from warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. The limit of liability is $1,000.00.

No statement in this Resolution shall be construed by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

The authority given to sue the Commonwealth is dependent upon showing that the employment was with the Commonwealth and not with an independent contractor.

S. Res. 19. Resolution authorizing conveyance by the Commonwealth to the National Government of the U. S. of Title to the Blue Licks Battlefield State Park Tract of Land.

Said resolution is as follows,. viz.:

WHEREAS, by a certain Joint Resolution approved March 27, 1926, being Chapter 367 of the Acts of the regular session of the General Assembly of Kentucky in the year 1926, an appropriation was made for the erection of the battlefield of the Blue Licks of a monument in commemoration of said Battle and of the Kentuckians who fought and fell in that notable Revolutionary action of August the nineteenth, one thousand, seven hundred and eight-two; and, in and by said resolution, it was provided that said appropriation should not be expended except upon condition that the land upon which said battlefield is situated be first conveyed and donated to the State of Kentucky in fee simple, for the purpose aforesaid; and

WHEREAS, by a certain deed of conveyance, now of record in the office of the Clerk of Robertson County Court in Deed Book No. 18, at page 586, some thirty-two (32) acres of the land comprising the site of the Blue Licks battlefield were granted and conveyed by the then owners to the Commonwealth in fee simple, (the monetary cost and consideration for said land having been raised and provided by private voluntary contributions,) and the title to said tract of land is now vested in said Commonwealth, and upon said tract said monument was in due course erected and other improvements have been placed thereon at public expense for the use of said land and its memorials as a public park and recreation ground, and same have hitherto been maintained for the benefit and enjoyment of all the people of our common country; and

WHEREAS, by an Act No. 380, passed at the Second Session of the 73rd Congress of the United States, and ap-

proved June 18, 1934, (Chap. 573, 48 Stat. 982; U. S. C. A., Title 16, Secs. 448-450,) provision was made for the creation, preservation and perpetual maintenance by the Government of the United States of the "Pioneer National Monument," to consist of the Blue Licks Battlefield and certain other historic sites in the State of Kentucky, when title thereto shall have been vested in the United States, and donations of land, funds, and other property within the boundaries of said national monument were invited by said Act; and

WHEREAS, for the promotion and furtherance of the aforesaid conservation project, a certain non-profit corporation was formed under the laws of Kentucky in the year 1934, and subsequent to the enactment of the above-mentioned Act of Congress of June 18, 1934, with the name and style of "The Pioneer National Monument Association," and said Association proceeded to raise and accumulate funds for the special purpose of acquiring lands and historic sites at the several places designated in any by said congressional enactment, and, by a certain deed of conveyance, bearing date, October 1, 1943, from legal representatives of the estate of O. B. Grigsby, deceased, and others, to said Pioneer National Monument Association, of record in the office of the Clerk of the Nicholas County Court, in Deed Book No. 48, at page 100, and in the County Court Clerk's office of Robertson County, in Deed Book No. 26, at page 467, said Association has acquired title in fee simple to approximately two hundred and fifty (250) acres of land, with its appurtenances and improvements, located partly in Nicholas, and partly in Robertson County, Kentucky, and immediately adjoining the memorial park tract of about thirty-two (32) acres, heretofore acquired and conveyed to the Commonwealth of Kentucky, as hereinabove recited, and it is the desire and purpose of said corporation, The Pioneer National Monument Association, to give, grant, and convey title to said entire tract of 250 acres of land to the United States of America for the uses

and purposes expressed in said Congressional Act of June 18, 1934, provided only that the Commonwealth of Kentucky shall also and at the same time give, grant, and convey the title to said Blue Licks battlefield tract of about 32 acres, in consideration of the like conveyance by said Pioneer National Monument Association and the perpetual preservation and maintenance by the Government of the United States of all of said land, comprising about two hundred and eighty-two (282) acres in all, as a national monument and memorial, and an integral part of the Pioneer National Monument, mentioned and described in the aforesaid Act of Congress of June 18, 1934, and in conformity therewith;

NOW, therefore, in consideration of the premises and for other good and sufficient reasons them thereunto moving,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky, the Senate and House of Representatives both Concurring:

Section 1. That, for and in consideration of a like simultaneous conveyance by the Kentucky corporation known as "The Pioneer National Monument Association" of about two hundred and fifty (250) acres of land, constituting the remaining portion of Blue Licks battlefield site in Nicholas and Robertson Counties, Kentucky, and the acceptance of title thereto by the National Government for the uses and purposes and subject to the conditions expressed in the Act of Congress of June 18, 1934, cited and more fully identified in the preamble to this Resolution, the Governor of the Commonwealth of Kentucky, acting in the name of and for and on behalf of the said Commonwealth, be and he is hereby authorized, empowered, and directed to make, execute and deliver to the United States of America, or to such officer, authority, department or agency of the executive branch of its government as by law is prescribed, a good and sufficient deed of conveyance, giving, granting, and conveying title, in

fee simple absolute and forever, in and to the following described tract or parcel of land, situated in Robertson County, Kentucky, and bounded as follows, to-wit:

Beginning at the Northwest corner of the Church Lot; thence N 13 E 8 poles to a six-inch walnut; thence N 56.30 W 13.3 poles to a red oak; thence N 78 degrees 30 min. W 9.4 poles to a peg; thence due north 8 poles to a sixteen-inch oak, thench N 6 W 18.4 poles to a chinkapin; thence N 12 W 38 poles to a wild cherry tree in Sellers' line; passing through a white oak at 242 feet and passing through a white oak and sugar tree at 413 feet; thence with Sellers' line N 46 degrees 30 min. E. 74.7 poles to a fence post corner to Sellers and Bryant & Grigsby; thence N 78 E 1.9 poles to the south end of the culvert in State Project No. 20; thence down the Maysville & Lexington Pike, State Project No. 20, S 3½ W 24.3 poles, S 15 E 38 poles, S 14 W 46 poles, S 31-½ W 22 poles, S 6 W 9 poles to a point on the east side of said Turnpike; thence N 84 W 12.6 poles to the beginning, containing 32.06 Acres, legal measure; being the same tract of land conveyed the State of Kentucky by Bryant and Grigsby by deed of record in the Clerk's Office of the Robertson County Court, in Deed Book No. 18, at page 586.

Section 2. That the conveyance authorized and directed to be made in and by Section 1 of this Resolution shall not be made, executed, or delivered unless and until the Governor of the Commonwealth is assured and satisfied that the concurrent and contemporaneous grant and conveyance to be made, executed, and delivered to the United States by The Pioneer National Monument Association has been or is actually being made and consummated by said Association as herein contemplated and provided.

Section 3. That nothing by this Resolution done or authorized to be done shall be held to deprive the State of Kentucky, or any political subdivision thereof, of its civil and

criminal jurisdiction in and over the areas of any of the areas included in said Pioneer National Monument or park, or shall the rights of citizenship of any resident therein be prejudiced or impaired hereby, nor shall the legislative authority of the Commonwealth in and over the aforementioned areas and such other areas as may hereafter be included within said national monument or park, be diminished or affected by the creation of said national park or monument, except insofar as the exercise thereof may conflict with or run counter to the provisions of the aforesaid Act of Congress of June 18, 1934, creating or providing for the creation and establishment of said Pioneer National Monument.

S. B. 45. An Act to amend Sec. 287-290 KRS entitled "Exceptions to Maximum Debt to Banks."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 287-290, Kentucky Revised Statutes, 1942, be amended by adding after the words "State of Kentucky" in Subsection 2 the following words:

"All obligations secured or covered by guaranties or by commitments or agreements to take over or to purchase the same made by any Federal Reserve Bank or by the United States or by any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States," so that said section as amended shall read as follows:

Exceptions to maximum debt to Banks.

"In the case of obligations to banks, the limitations and restrictions of KRS 287.280, shall not apply to:

(1) Obligations of the United States or of the State of Kentucky;

(2) Obligations guaranteed as to principal and interest by the United States or the State of Kentucky; or all obligations to the extent secured or covered by guaranties or by commitments or agreements to take over or to purchase the same made by and Federal Reserve Bank or by the United States or by any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States;

(3) Obligations of Kentucky counties and school districts incurred through borrowing in anticipation of the current year's tax receipts as authorized by KRS 68.320 and 160.540."

S. B. 46. An Act to amend Sec. 382.730 KRS entitled "Foreclosure by Federal Agencies" relating to chattel mortgages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 382.730, Kentucky Revised Statutes, 1942, be amended by adding to the title of said section the words "and Banking Institutions" and by adding after the words "or officer thereof" at the end of the first paragraph of said section, the following words "and any bank or trust company or combined bank and trust company," so that said section as amended shall read as follows:

Foreclosure by Federal Agencies and Banking Institutions. "In addition to any other methods of foreclosing chattel mortgages under the laws of this State, whether pursuant to a power of sale contained in the mortgage or otherwise, chattel mortgages executed to secure the Governor of the Farm Credit Administration of the United States, a production credit association organized under the Farm Credit

Act of 1933, the central or any regional bank for cooperatives, a Federal Intermediate Credit Bank, the Reconstruction Finance Corporation, the Government of the United States or any department, agency, instrumentality or officer thereof, and any bank or trust company or combined bank and trust company, may be foreclosed in the following manner:

"(1) Where the mortgage contains a power of sale which may be exercised upon default on or breach of any of the conditions in the mortgage, the mortgage may be foreclosed by sale as provided in subsection (2) of this section, and upon compliance with the provisions of this section, such sale shall constitute a bar to all claims in or to the property sold and shall extinguish the equity of redemption therein of the mortgagor, his heirs, devisees, legatees, distributees, executors or administrators and every person claiming under any of them by virtue of any title or lien by judgment, decree or otherwise, arising subsequent to the filing of the chattel mortgage.

"(2) A sale pursuant to this section shall be made at public auction to the highest bidder for cash upon the same notice as that required to be given by the sheriff on sales of personal property under an execution. The holder of the mortgage or the owner or holder of the secured indebtedness may become the purchaser of the property at such sale. The notice of sale shall be in substantially the following form, the blanks being filled in as indicated: 'NOTICE OF SALE. Please take notice that the undersigned, pursuant to a certain chattel mortgage made by ....., the mortgagor, to ....., mortgagee, dated ..... and filed in the office of the county court clerk of ..... County, on the ..... day of ....., 19....., will sell at public auction to the highest bidder at ..... on the ..... day of ....., 19....., at ..... o'clock ....., the following described property, to wit: (here describe the property to be sold); dated ....., 19.....; ..... mortgagee

(or agent for mortgagee).' A copy of such notice of sale shall be mailed by registered mail on or before the first day of the giving of notice, addressed to the person or legal entity who signed and executed the mortgage at his last known place of residence as furnished by the mortgagor to the mortgagee and the post office receipt of such registered letter shall be conclusive evidence of the fact of such mailing.

"(3) The proceeds of such sale shall be applied to the expenses of the sale, the expenses of retaking, keeping, harvesting, processing, preservation and maintenance of the mortgaged property, and to payment of the debt, interest and all costs, charges and after the satisfaction of such claims shall be paid to the mortgagor or to the person legally entitled thereto. If the proceeds of the sale are not sufficient to pay the claims, the mortgagee may recover the deficiency from the mortgagor or from anyone who has assumed the obligation of the mortgagor with respect to the mortgage.

"(4) Neither the bringing of an action by the mortgagee to recover the whole or any part of the claims nor the recovery of a judgment thereon nor the collection of a portion of the claims shall be inconsistent with or prevent in any way the foreclosure of the mortgage as provided in this section. The mortgagee or trustee may act by agent or attorney and need not be present in person at the sale.

S. B. 57. An Act authorizing the Commonwealth of Kentucky, Department of Highways, counties and municipalities to condemn land and materials for the construction and improvement of public roads and bridges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Commonwealth of Kentucky, Department of Highways, counties and municipalities are hereby given the right to proceed as authorized in KRS 416.120 when condemning land and materials for the construction and improvement of public roads and bridges.

(2) Such procedure shall be an additional and alternative method of condemnation to that now provided in KRS 416.120 to 416.080.

S. B. 74. An Act relating to lis pendens notices.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 382.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) No action, cross-action, counterclaim, or any other proceeding, except actions for forcible detainer or forcible entry or detainer, commenced or filed in any court of this state, in which the title to, or the possession or use of, or any lien, tax, assessment or charge on real property, or any interest therein, is in any manner affected or involved, nor any order nor judgment therein, nor any sale or other proceeding, nor any proceeding in, nor judgment or decree rendered, in a district court of the United States, shall in any manner affect the right, title or interest of any subsequent purchaser, lessee, or encumbrancer of such real property, or interest for value and without notice thereof, except from the time there is filed, in the office of the county clerk of the county in which such real property or the greater part thereof lies, a memorandum stating:

(a) The number of the action, if it is numbered, and the style of such action or proceeding and the court in which it is commenced, or is pending;

(b) The name of the person whose right, title, interest in, or claim to, real property is involved or affected; and

(c) A description of the real property in the county thereby affected.

(2) Such notice may be filed by any party in interest. No notice shall extend to the interest of any person not designated therein, nor to any real property or interest except that described therein, and when any amendment is made in the action or proceeding changing the description of the real property, or interest involved or affected, or extending the claim against the property, the party filing such notice shall file a new notice.

(3) Where the real property so affected consists of tracts lying in different counties, a separate notice shall be filed in each county as to the tract lying in that county.

§ 2. A new section of the Kentucky Revised Statutes is created, to read as follows:

Any county clerk shall receive for record and record any certified copy of any matter in reference to bankruptcy which any Act of Congress of the United States may provide for as being necessary to be filed in the county wherein lands of a bankrupt are situated in order to be notice of said bankruptcy. Such certified copy shall be recorded in the record of deeds and indexed in the general index of deeds in the name of the bankrupt, as grantor, and in the name of the trustee in bankruptcy or receiver (if any), as grantee. The county clerk shall be entitled to a fee of fifty cents for recording each such certified copy, to be paid by the person who offers the copy for recording.

Ordered that said bills and resolutions be printed and referred.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 168. An Act providing that a copy of the Ten Commandments be placed in each class room in each school in the Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Superintendent of Public Instruction is hereby authorized and directed to furnish to each local board of education in this Commonwealth a sufficient number of copies of the Ten Commandments, suitably printed for framing, to provide one copy for each classroom in each school under the direction of said local board of education.

The superintendent of each local board of education is hereby authorized and directed to have a copy of the Ten Commandments from the supply furnished by the Superintendent of Public Instruction placed on the front wall in each classroom in each school under the direction of said local board of education.

For the purpose of carrying out the provisions of this act there is hereby appropriated to the Superintendent of Public Instruction for the fiscal year 1944-45 the sum of Five Hundred ($500) Dollars out of the funds not heretofore appropriated by the General Assembly.

Mr. Doran offered the following amendments to said bill, viz.:

1. Amend H. B. 168 on page 1, Section 1, line 3 after the words "Ten Commandments" by striking out the comma and inserting the words "and Beatitudes".

2. Amend H. B. 168 on page 1, section 1, line 7 following the words "Ten Commandments" by inserting the words "and Beatitudes".

Said amendments were each agreed to.

Mr. Moser offered the following amendment to said bill, viz.:

3. Amend H. B. 168 on page 1, sec. 1, line 4 by adding the sentence "The printed copy, after framing shall not exceed 12 x 18 inches."

Said amendment was agreed to.

Mr. Losey moved that the vote by which Amendments Nos. 1 and 2 were agreed to, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Losey offered the following amendments to the amendments as offered by Mr. Doran:

4. Amend Amendment No. 1 to H. B. 168 by adding after the word "Beatitudes" the words "and the Lord's Prayer".

5. Amend Amendment No. 2 to H. B. 168 by adding after the word "Beatitudes" the words "and the Lord's Prayer".

Said amendments were each agreed to.

Amendments Nos. 1 and 2 were then agreed to as amended.

Mr. Prichard moved that said bill be laid on the table.

Said motion was disagreed to.

Mr. Prather moved that said bill be recommitted.

To the Committee on Library and Historical Records.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 162. An Act to provide for the office of conservator under certain conditions.

Mr. Quill moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 81. An Act relating to superintendents of county school districts.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If a majority of all legal voters who vote at the election provided for in section two of this Act vote in favor of the election by popular vote of the superintendent of the county school district, the superintendent of the county school district of that county shall thereafter, or until the voters at another election as provided for in section two of this Act vote to return to the method of appointment provided for in KRS 160.350, be elected by popular vote as provided for in

section three of this Act, and the provisions of KRS 160.350 shall not apply in such county.

§ 2. Upon the petition of one hundred and fifty legal voters who are freeholders of the county, the county court shall, at the next regular term after receiving the petition, make an order on its order book directing an election to be held in the county, on a day not earlier than thirty days after the petition is received by the judge and not later than ninety days before the next regular November election, to determine whether the superintendent of the county schools shall be elected by popular vote. The order shall direct the sheriff to advertise the election and its object once a week for thirty days before the election day in a newspaper of general circulation in the county and at the courthouse door. The election shall be held under the general election laws. The question shall be: "Are you in favor of the election of the superintendent of the county school district by popular vote?" Such an election shall not be held oftener than once in every four years.

§ 3. (a) If a majority of all legal voters who vote at the election provided for in section two of this Act vote in favor of the election by popular vote of the superintendent of the county school district, then at the next regular November election in that county, and every four years thereafter, there shall be elected a county superintendent of schools who shall assume office on the first Monday in January of the following year and hold office for a period of four years and until his successor has been elected and qualified, except as provided in section six of this Act.

(b) No person shall be eligible for the office of superintendent of the county school district who does not, at the time of his election, hold a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of scholarship, administration and supervision,

issued in accordance with the provisions of law, and which qualifies him to hold the position to which he may be elected, and he shall hold such a certificate throughout his term of office, nor shall he be eligible to such office unless, at the time of his election, he is twenty-four years of age or over, and has been a resident of this state at least one year.

(c) Voters in independent graded school districts which are maintained separately and distinct from the common schools of the county, which said independent graded school districts are embraced, in whole or in part, in any city of any class, or otherwise, shall not be eligible to vote in an election for county school district superintendent.

(d) The names of candidates for county school district superintendent shall be on a separate sheet from all other ballots used in any election, except that they may be on the same sheet on which the names of candidates for the Board of Education appear. The county clerk shall cause to be printed on said ballot the names of all candidates for superintendent, in whose behalf he is petitioned to do so in writing by not less than four hundred persons of the county qualified to vote for the superintendent. The petition must be filed in the office of the county clerk not more than one hundred and twenty days and not less than thirty days before the day of election, and each petition must be signed by the requisite number of qualified voters of the county and shall show the place of residence of each person signing it. No person shall sign more than one such petition.

§ 4. (a) The board of education shall fix the salary of the superintendent, prior to the time of his taking office, at not less than $1,200.00 per annum to be paid in monthly installments.

(b) A superintendent of schools may be removed for cause by a vote of four members of a board of education. Written notice setting out the charges for removal shall be

spread on the minutes of the board and given the superintendent fifteen days before action is taken on his removal.

§ 5. If a county votes to adopt the provisions of this Act, any contract of employment or appointment of a county superintendent of schools for that county made after the effective date of this Act shall be automatically terminated as of the date the elected superintendent takes office.

§ 6. The adoption of the provisions of this Act by a county shall not affect the tenure of a county superintendent of schools appointed under KRS 160.350 prior to the effective date of this Act.

Said amendment as proposed by the Committee is as follows, viz.:

Amend H. B. 81 on page 1, section 2, lines 1 and 2 by striking out "one hundred and fifty legal voters who are freeholders of the county," and inserting in lieu therefor: "a number of constitutionally qualified voters of the county, equal to twenty-five percent of the votes cast in the county at the last preceding general election,"

Said amendment was agreed to.

Mr. Love offered the following amendment to said bill, viz.:

Amend H. B. 81 on pages 1 and 2, sec. 2, line 4 by striking out, beginning in line 4, the words: "on a day not earlier than thirty days after the petition is received by the judge and not later than ninety days before the next regular November election," and inserting in lieu thereof the words: "on the day of the regular primary election, not earlier than thirty days after the petition is received by the judge,"

Said amendment was agreed to.

Mr. Howard offered the following amendment to said bill, viz.:

Amend H. B. 81 on pages 1, 2, 3 and 4 Sec. 1, 2, 3, 4, 5 and 6 by striking out sections 1, 2 and 3 (a) on pages 1 and 2, and substituting in lieu thereof the following:

"Section 1. (a) At the regular November election in each county in 1948 and every four years thereafter, there shall be elected a county superintendent of schools, who shall assume office on January 1 of the following year and hold office for a period of four years and until his successor has been elected and qualified, except as provided in section 4 of this Act."

Section 3 (b), (c), (d) shall be renumbered "Section 1 (b), (c), (d)."

Section 4 (a), (b) shall be renumbered "Section 2 (a), (b)"

Section 5 shall be renumbered "Section 3"

Section 6 shall be renumbered "Section 4"

Section 5. Section 160.350 of the Kentucky Revised Statutes is repealed.

Mr. Doran offered the following amendment to the amendment as offered by Mr. Howard, viz.:

Amend the amendment as offered by Mr. Howard to H. B. 81 following the words "County Superintendent," by inserting the following "City Superintendent, High School Principals, Attendance Officers and teacher for each teaching position authorized by the Board of Education."

Mr. Howell moved that said last named amendment be laid on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Nunn and J. Lee Moore, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. B. Gentry	James T. Philpott
Henry Arrowood	Jas. P. Hallahan	Kleber F. Price
W. G. Biggers	B. C. Holbrook	L. Allen Rhoads
Isaac Blevins	Benton Howard	H. G. Royalty
Douglas T. Bolling	Jerry F. Howell	Amos Runyon
J. C. Bradley	J. J. Huff	F. W. Schuhmann
Jno. W. Burkhart	Lee Johnson	Leon J. Shaikun
Chas. W. Burnley	Wm. E. Justice	Faust Y. Simpson
C. D. Call	M. Kavanaugh	E. A. Spencer
Fred Carpenter	G. M. Knuckles	Arthur Stallard
Willis Champion	J. T. Linton	C. W. Taylor
A. Roy Copeland	Pearl McKinney	Roy L. Taylor
Marvin Cornett	C. C. May	E. B. Thompson
John P. Craig	Johnston Miller	S. J. Wagner
Thomas S. Dawson	Herbert V. Moore	Harry F. Walters
Adron Doran	Jno. C. Newcomb	R. E. West
J. R. Dorman	H. C. Patterson	Taylor Witt
T. H. Dyer	Albert W. Pfeiffer	
Bernie S. Edlin	Sylvester Phillips	—55

Those who voted in the negative were—

F. H. Bassett, Jr.	Claude Hammons	J. Lee Moore
John H. Clarke, Jr.	Clyde S. Howard	L. D. Moore
John Henry Cox	W. N. Hughes	W. B. Moser
Fred Creasey	Paul S. Jonas	C. Sid Nabb
Harry W. Ennis	H. Clay Kauffman	Coy C. Nevitt
Dr. J. C. Gabbard	Homer E. Losey	Joe E. Nunn
Franklin Goins	A. L. Love	Chester Peterson
J. D. Gross	Ed Marcum	Gip J. Prather
R. M. Hall	Harry L. Moore	L. W. Preston

Edw. P. Prichard	Jno. W. Simmons	Thos. M. Swope
James E. Quill	George T. Smith	Egbert V. Taylor
C. R. Reeves	Robt. J. Spaulding	H. Thieman, Jr.
Wade H. Riley	Geo. W. Steinford	Otis C. Thomas
Carl Scheben	Joe Stewart	John L. Trumbo

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And so said bill was tabled.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 13. An Act to provide for refund of 90% of tax paid on gasoline used in tractor or stationary engine.

Mr. Love moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Mr. Hammons moved that further consideration of said bill be postponed indefinitely.

Said motion was disagreed to.

Mr. Hammons moved that said bill be made a Special Order of the Day, for Thursday, February 10 at two o'clock P. M.

Said motion was disagreed to.

The motion as made by Mr. Love that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day, was then agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 173. An Act providing for appointment of county road engineer.

With a Committee amendment thereto.

Mr. Hammons moved that said bill be recommitted with instructions

To the Committee on Roads and Highways No. 1.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 10. An Act to amend and re-enact subsec. 4 of sec. 200.010, Chapter 200, KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section (4) of Section 200.010, Chapter 200, Kentucky Revised Statutes, be amended and re-enacted so that said sub-section as amended and re-enacted shall read as follows:

(4) As used in KRS 200.250 to 200.300, unless the context requires otherwise, "crippled children" includes all physically handicapped children under the age of twenty-one except those whose only infirmity is blindness or deafness.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
John H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thomas S. Dawson
Adron Doran
T. H. Dyer
Bernie S. Edlin
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Jno. C. Newcomb
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson

John L. Trumbo	Harry F. Walters	Taylor Witt	
S. J. Wagner	R. E. West		—89

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 34. An Act to authorize and enable cities of the fifth class to purchase, establish, condemn, acquire, maintain and operate cemeteries, etc.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Cities of the fifth class, whether organized under the general law or by special charter law, are hereby authorized and empowered to purchase, establish, erect, acquire, accept, maintain, condemn and operate cemetery, or cemeteries for the purpose of burying or interring the dead and other necessary appurtenances thereto, including any and all personal property necessary for the successful conducting of such cemetery, or cemeteries, within or without the corporate limits of such cities under the provisions of this act.

2. Any city purchasing, condemning, establishing, erecting, acquiring, or accepting any cemetery, or cemeteries, authorized by this Act and desiring to maintain and operate same under the provisions hereof shall by ordinance provide

for the appointment of a board of commissioners to operate, manage and control such project, or projects, said board of commissioners to be known by whatever title the city may designate in the ordinance under which it is created. Said board shall consist of five persons, to be appointed by the Mayor to serve for terms of three years and until their successors are appointed, except that the members first appointed shall be so appointed that the term of one member shall expire annually thereafter. Vacancies shall be filled in the same manner as original appointments and for the unexpired term. Members shall serve without pay. The members of said commission shall be citizens and legal voters of the city, and if any member during the term of his office shall become a candidate for, or be elected to, any public office, he shall automatically vacate his membership from said commission and another person shall be appointed in his place; Provided, however, that this provision shall not prevent a member of said commission from serving as a member of any other appointive office or commission of the city, county, state or federal government. Said commission shall provide rules, regulations and by-laws for the management of said cemetery, or cemeteries, and out of the revenue derived from such cemetery, or cemeteries, it shall pay all operating expenses, provide for such repairs, additions and improvements as may be necessary to be made thereto and provide a fund for payment of any incidental or emergency expenses which may arise and set up a fund to provide for the payment of any debts created in connection with the establishment and maintenance of such cemetery, or cemeteries. The commission shall have authority to fix the charges for lots sold in the cemetery to individuals and for maintenance, care, upkeep, and use of such lots as it deems necessary and advisable.

4. All properties, both real and personal, which the city may acquire for the establishment and maintenance of such cemetery, or cemeteries, shall be exempt from taxation to

the same extent as other public property used for public purposes. The proceeds of all income and sales of cemetery lots shall also be exempt from taxation.

5. Any city which establishes cemetery, or cemeteries, provided by this Act is hereby authorized to acquire by gift, condemnation, devise, bequest, grant, or purchase solely from the funds provided under the authority of this Act, such lands, structures, rights-of-way, franchises, easements or other interests in land, or personal property, necessary for the establishment and maintenance of such cemetery, or cemeteries, and upon such terms, prices, and consideration as may be considered by the city to be reasonable and can be agreed upon between said city and the owner, or owners, thereof. Title to all property acquired for such purposes shall be taken in the name of the city. Whenever property shall be needed by any city of the fifth class for said cemetery, or cemetery purposes, either within or beyond the boundary of such city, in the county in which such city is located, same may be condemned by such city in accordance with the provisions of Section 87.090, Kentucky Revised Statutes.

6. For the purpose of defraying the cost of purchasing, maintaining, establishing, erecting, or acquiring any cemetery, or cemeteries, and necessary appurtenances thereto, including personal property, under the provisions of this Act, any city may borrow money and issue negotiable bonds which shall be payable solely out of the revenue from such cemetery, or cemeteries. All bonds under the provisions of this Act may be issued bearing interest at the rate of not exceeding 6% per annum, payable semi-annually, and shall be executed in such a manner and be payable at such times, not exceeding thirty years from the date of issuance, and at such place, or places, as the legislative body shall determine. Any city acquiring a cemetery, or cemeteries, may at any time provide for the addition to and improvement of the cemetery, or cemeteries, by an additional issue of bonds subject to the pro-

cedure required for the issuance of original bonds, or the city may, at the time of issuing bonds for the acquisition, provide for additional bonds for additions and permanent improvements to be placed in escrow and to be negotiated from time to time as necessary. The bonds placed in escrow shall, when negotiated, have equal standing with bonds of the same issue, and if additional bonds are issued in lieu of bonds placed in escrow, such additional bonds shall have equal standing with bonds of prior issue.

7. Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. If the officers whose signatures or countersignatures appearing on the bonds or coupons shall cease to be such officers before delivery of such bonds, the signatures of countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds when issued shall be payable solely from the revenue funds derived from the operation, management and control of such cemetery, or cemeteries, and shall not constitute an indebtedness of such city within the meaning of the provisions and limitations of the Constitution of this commonwealth. It shall be plainly stated on the face of each bond that same has been issued under the provisions of this act and does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations.

8. All money received from any bonds issued pursuant hereto shall be applied solely to the purchase, establishment, erection and acquisition of such cemetery, or cemeteries, and necessary appurtenances thereto, provided such money may be used also to advance the payment of interest on said bonds during the first three years following the date of such bonds. And provided further that the expenses of operation

and maintenance thereof may be advanced from these funds, or the city may pay from its general funds the cost of any of the aforesaid property, or maintenance thereof. There shall be and there is hereby created a statutory lien upon the cemetery, or cemeteries, and necessary appurtenances, including personal property, so acquired by the city to and in favor of the holders of said bonds, and each of them, and to and in favor of the holders of the coupons of said bonds. The cemetery, or cemeteries, together with appurtenances and personal property, established, erected, or acquired, shall remain subject to such statutory liens until the payment in full of the principal and interest of the bonds. A majority of the holders of said bonds, or coupons, may, either at law, or in equity by suit, action, mandamus or other proceedings protect and enforce the statutory lien hereby conferred and may by suit or other proceedings enforce and compel performance of all duties required by this act, including the making and collecting of sufficient fees, the segregation of the income and revenue, and the application thereof.

9. Any city already owning property may dedicate same for cemetery purposes, to be managed, operated and controlled in accordance with the provisions of this act.

10. Any authority in which is vested the power to provide, conduct and maintain cemetery, or cemeteries, may accept any grant or devise of real estate, or any bequest, or gift of money, or personal property, or any donation, the principal or income of which is to be used for cemetery, or cemeteries, purposes.

11. All funds derived by the cemetery, or cemeteries, shall be deposited to the credit of the commission in some bank to be designated as depository by the City Council of such city, to be drawn upon by the Chairman of the board of commissioners and countersigned by the treasurer of such city.

12. Whereas this act provides a method of acquiring municipal cemetery, or cemeteries, and whereas several municipalities desire to establish same immediately but may not have an opportunity to do so unless this act becomes a law, now, therefore, an emergency is declared to exist, and this act shall become of full force and effect from and after its passage and approval by the Governor.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Cities of the fifth class may establish, purchase or otherwise acquire, accept, condemn, maintain and operate cemeteries to bury the dead, and other necessary appurtenances including personal property necessary for the successful conducting of such cemeteries, within or without the corporate limits of such cities under the provisions of this Act, except that no cemetery already in existence may be condemned.

2. Any city establishing any cemetery authorized by this Act and desiring to maintain and operate same under the provisions hereof shall by ordinance provide for the appointment of a board of commissioners to operate, manage and control such project, said board of commissioners to be known by whatever title the city may designate in the ordinance under which it is created. The board shall consist of five persons, to be appointed by the Mayor to serve for terms of three years and until their successors are appointed, except that the members first appointed shall be so appointed that the term of one member shall expire annually thereafter. Vacancies shall be filled in the same manner as original appointments and for the unexpired term. Members shall serve without pay. The members of the board shall be citizens and legal voters of the city, and if any member during the term of his office shall become a candidate for, or be elected

to, any public office, he shall automatically vacate his membership from the board and another person shall be appointed in his place; provided, however, that this provision shall not prevent a member of the board from serving as a member of any appointive office or commission of the city, county, state or federal government. The board shall provide rules, regulations and by-laws for the management of the cemetery, and out of the revenue derived from the cemetery, it shall pay all operating expenses, provide for such repairs, additions and improvements as may be necessary to be made thereto and provide a fund for payment of any incidental or emergency expense which may arise and set up a fund to provide for the payment of any debts created in connection with the establishment and maintenance of the cemetery. Cemetery revenue shall be used only for the upkeep, improvement or extension of the cemetery, and the retirement of cemetery bonds. The board may fix the charges for lots sold in the cemetery to individuals and for maintenance, care, upkeep, and use of such lots as it deems necessary and advisable.

4. All properties, both real and personal, which the city may acquire for the establishment and maintenance of a cemetery, shall be exempt from taxation to the same extent as other public property used for public purposes. The proceeds of all income and sales of cemetery lots shall also be exempt from taxation.

5. Any city which establishes a cemetery as provided by this Act may acquire by gift, condemnation, devise, bequest, grant, or purchase solely from the funds provided under the authority of this Act, such lands, structures, rights-of-way, franchises, easements or other interests in land, or personal property, necessary for the establishment and maintenance of a cemetery, and upon such terms, prices, and considerations as may be considered by the city to be reasonable and can be agreed upon between the city and the owner

thereof. Title to all property acquired for such purposes shall be taken in the name of the city. Whenever property shall be needed by any city of the fifth class for cemetery purposes, either within or beyond the boundary of such city, in the county in which such city is located, same may be condemned by the city in accordance with the provisions of Section 87.090, Kentucky Revised Statutes, except that no existing cemetery may be condemned.

6. For the purpose of defraying the cost of purchasing, maintaining, establishing, erecting, or acquiring any cemetery and necessary appurtenances thereto, including personal property, under the provisions of this Act, any city may borrow money and issue negotiable bonds which shall be payable solely out of the revenue from the cemetery. All bonds under the provisions of this Act shall be issued to bear interest at a rate not exceeding 6% per annum, payable semi-annually, and shall be executed in such a manner and be payable at such times, not exceeding thirty years from the date of issuance, and at such place as the city legislative body shall determine. Any city acquiring a cemetery may at any time provide for the addition to and improvement of the cemetery by an additional issue of bonds, subject to the procedure required for the issuance of original bonds, or the city may, at the time of issuing bonds for the acquisition, provide for additional bonds for additions and permanent improvements to be placed in escrow and to be negotiated from time to time as necessary. The bonds placed in escrow shall, when negotiated, have equal standing with bonds of the same issue. and if additional bonds are issued in lieu of bonds placed in escrow, such additional bonds shall have equal standing with bonds of prior issue.

7. Any and all such bonds shall have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. If the officers whose signatures or countersignatures appearing

on the bonds or coupons shall cease to be such officers before delivery of the bonds, the signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. The bonds when issued shall be payable solely from the revenue funds derived from the operation, management and control of the cemetery, and shall not constitute an indebtedness of the city within the meaning of the provisions and limitations of the Constitution of this Commonwealth. It shall be plainly stated on the face of each bond that same has been issued under the provisions of this act and does not constitute an indebtedness of the city within the meaning of any constitutional provisions or limitations.

8. All money received from any bonds issued pursuant hereto shall be applied solely to the purchase, establishment, erection and acquisition of the cemetery and necessary appurtenances thereto, provided the money may be used also to advance the payment of interest on the bonds during the first three years following the date of such bonds. And provided further that the expenses of operation and maintenance thereof may be advanced from these funds, or the city may pay from its general funds the cost of any of the aforesaid property, or maintenance thereof. There shall be and there is hereby created a statutory lien upon the cemetery and necessary appurtenances, including personal property, so acquired by the city to and in favor of the holders of the bonds, and each of them, and to and in favor of the holders of the coupons of the bonds. The cemetery, together with appurtenances and personal property, established, erected, or acquired, shall remain subject to these statutory liens until the payment in full of the principal and interest of the bonds. A majority of the holders of the bonds or coupons, may, either at law or in equity by suit, action, mandamus or other proceedings protect and enforce the statutory lien hereby conferred and may by suit or other proceedings enforce and compel per-

formance of all duties required by this act, including the making and collecting of sufficient fees, the segregation of the income and revenue, and the application thereof.

9. Any city already owning property may dedicate same for cemetery purposes, to be managed, operated and controlled in accordance with the provisions of this act.

10. Any authority in which is vested the power to provide, conduct and maintain a cemetery, may accept any grant or devise of real estate, or any bequest, or gift of money, or personal property, or any donation, the principal or income of which is to be used for cemetery purposes.

11. All funds derived by the cemetery shall be deposited to the credit of the commission in some bank to be designated as depository by the city legislative body of the city, to be drawn upon by the Chairman of the board of commissioners and countersigned by the treasurer of the city.

12. Whereas this act provides a method of acquiring municipal cemeteries, and whereas several municipalities desire to establish same immediately but may not have an opportunity to do so unless this act becomes a law, now, therefore, an emergency is declared to exist, and this act shall become of full force and effect from and after its passage and approval by the Governor.

Said substitute was then adopted.

Mr. Preston moved that the vote by which said Substitute was adopted, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Hall offered the following amendment to said Substitute, viz.:

Amend the Committee Substitute for H. B. 34 on page 1, Sec. 1, line and any place thereafter in bill by adding after the word "fifth" the words "and sixth".

Said amendment was agreed to.

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Adron Doran	Wm. E. Justice
Henry Arrowood	T. H. Dyer	H. Clay Kauffman
F. H. Bassett, Jr.	Bernie S. Edlin	M. Kavanaugh
W. G. Biggers	Harry W. Ennis	G. M. Knuckles
Douglas T. Bolling	Franklin Goins	J. T. Linton
J. C. Bradley	J. D. Gross	Homer E. Losey
Jno. W. Burkhart	R. M. Hall	A. L. Love
Chas. W. Burnley	Jas. P. Hallahan	Pearl McKinney
C. D. Call	Claude Hammons	Ed Marcum
Fred Carpenter	B. C. Holbrook	Johnston Miller
Willis Champion	Benton Howard	Harry L. Moore
Jno. H. Clarke, Jr.	Clyde S. Howard	Herbert V. Moore
A. Roy Copeland	Jerry F. Howell	J. Lee Moore
Marvin Cornett	J. J. Huff	W. B. Moser
John P. Craig	W. N. Hughes	C. Sid Nabb
Fred Creasey	Lee Johnson	Coy C. Nevitt
Thomas S. Dawson	Paul S. Jonas	Jno. C. Newcomb

Joe E. Nunn	Wade H. Riley	Joe Stewart
H. C. Patterson	H. G. Royalty	Thos. M. Swope
Chester Peterson	Amos Runyon	C. W. Taylor
Albert W. Pfeiffer	Carl Scheben	Egbert V. Taylor
Sylvester Phillips	F. W. Schuhmann	Roy L. Taylor
James T. Philpott	Vernon Seaton	H. Thieman, Jr.
Gip J. Prather	Leon J. Shaikun	Otis C. Thomas
L. W. Preston	Jno. W. Simmons	E. B. Thompson
Kleber F. Price	George T. Smith	John L. Trumbo
Edw. P. Prichard	Robt. J. Spaulding	S. J. Wagner
James E. Quill	E. A. Spencer	R. E. West
C. R. Reeves	Arthur Stallard	Taylor Witt
L. Allen Rhoads	Geo. W. Steinford	—89

Mr. Hall offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 34 by striking therefrom the title and inserting in lieu therefor the following title, viz.: "An Act relating to cemeteries for cities of the fifth and sixth classes."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Hall moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 205. An Act abolishing the Division of Professional Regulation in the Department of Business Regulation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 286.020 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The department shall have and exercise all the administrative functions of the state except as otherwise provided by law in relation to:

(1) The supervision of motor transportation for hire;

(2) The supervision of banks and kindred financial institutions;

(3) The regulation of insurance practices.

§ 2. Section 286.080 of the Kentucky Revised Statutes of 1942 is repealed.

§ 3. Any appropriation made by the present General Assembly for the salary of the secretary and other expenses of operation of the Division of Professional Regulation, by way of assessments against the funds of professional boards, is intended to be repealed by this Act.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. J. Lee Moore moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Without objections, the following bills were introduced, viz.:

By Mr. Dorman.

H. B. 265. An Act relating to higher education for negroes.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 166.120 of Chapter 166 of the Kentucky Revised Statues be, and the same is, amended and re-enacted so that, as hereby amended and re-enacted, the same shall read as follows:

"Section 166.120. (1) The State Board of Education shall determine the number of departments, branches and subjects of study and shall prescribe the curricula and courses of instruction for the Kentucky State College for Negroes and the West Kentucky Vocational Training School for Negroes. Said Board furthermore is authorized, directed and required to provide for negroes resident in Kentucky educational training and instruction of like kind and quality and equivalent in all essential respects to that provided at the University of Kentucky by the State of Kentucky for white persons in Kentucky. Such training and instruction of college grade shall be made available, as and when needed to meet any proper demand therefore, and in a manner and by means to be pre-

scribed by the State Board of Education, and, for the purpose, the plant, equipment, faculty and facilities of the Kentucky State College for Negroes at Frankfort shall be used, insofar as same are adequate, and, to the extent, if any, same shall at any time be found inadequate, such inadequacy shall be supplied and corrected by said Board; and, when deemed advisable or necessary by said Board, the facilities of the West Kentucky Vocational School for Negroes at Paducah, may be likewise used."

"(2) The Cost of providing facilities for such instruction and training shall be paid out of the appropriations to the State Board of Education or made subject to its control or from any other available funds."

Section 2. Inasmuch as it is in accord with the settled policy of the Commonwealth that all practicable measures be adopted to preserve and maintain without discrimination substantial equality of opportunity and privilege for whites and negroes, in the separate institutions of higher education provided for members of the two races, as thus segregated the one from the other, and it is desirable and important that action conformable to the provisions of this Act be taken by the State Board of Education as promptly as possible, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval in the manner prescribed by law.

By Mr. Quill.

H. B. 266. An Act relating to city manager form of government.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 89.510 of the Kentucky Revised Statutes is amended to read as follows:

The mayor shall preside at meetings of the board of commissioners and perform such other duties consistent with his office as may be imposed by the board. He shall be recognized as the official head of the city for ceremonial purposes, for the purpose of serving civil process, and for military purposes. In time of public danger or emergency he may, with the consent of the board of commissioners, take command of the police, maintain order and enforce the laws. In cities of the second class the mayor, in his discretion, may designate and appoint a secretary, who shall perform such duties as the mayor may prescribe and who shall receive, as compensation for his services, an annual salary of not less than two thousand dollars nor more than three thousand dollars, to be fixed by ordinance.

By Mr. Quill.

H. B. 267. An Act providing for issuance of summons and warrants of arrest in police courts of cities of second class.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Sub-section 2 of Section 26.330 of the Kentucky Revised Statutes, as officially adopted in 1942 be amended, so that said section as amended shall read as follows:

Sub-section 2: In cities of the second class, the Police Judge may issue all summons and warrants of arrest and the Clerk of the Police Court may issue same upon affidavit made before the City Prosecutor and they may also issue any mesne or final process.

Section 2. All Acts or parts of acts and in particular Sections 310 and 312 of Carroll's Kentucky Criminal Code of Practice, in conflict herewith, are hereby repealed to the extent of such conflict.

By Mr. Ennis.

H. B. 268. An Act to repeal Sec. 42.110 and 42.120 KRS.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 42.110 and 42.120 of Kentucky Revised Statutes be and the same are hereby repealed.

By Mr. Wagner.

H. B. 269. An Act providing funds, based on an allocated share of receipts from State Gasoline Tax.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

DEFINITIONS

1. STREETS—includes street or streets, boulevards, thoroughfares, or portions thereof, and bridges and viaducts, overpasses and underpasses.

2. CITY-STATE HIGHWAYS—refers to streets which have been designated, pursuant to this act, to be those regularly and customarily used by motor vehicles from without the city.

3. STATE GASOLINE TAX ACT—means the Act contained in KRS 138.210-340, in its present form, or as it may be hereafter amended.

4. STATE GASOLINE TAX—means the funds collected under the State Gasoline Tax Act.

5. MAINTENANCE—means maintenance, construction, reconstruction, repair, improvement, and cleaning, and all matters reasonably necessary thereto including acquisition of property for rights of way. The term "maintenance" shall also include traffic administration and control.

6. DEPARTMENT OF REVENUE—means the State Department of Revenue.

7. HIGHWAY DEPARTMENT — means the State Highway Department.

Section 1. It is the intent and purpose of this Act to provide funds to be so used that those city streets which are regularly and customarily used by motor vehicles from without the city (herein defined as "City-State Highways") may more adequately serve the needs of the whole State. To accomplish this purpose, the several cities of the State are called upon to report to the State, through the Department of Highways, which of their streets are so used, and to act as the agents of the State in the expenditure of the funds herein provided on the maintenance of said streets. In order that this agency relationship may be recognized and maintained, the Commssioner of Highways, whenever he is of the opinion that the action of any city, either in its designation of "City-State Highways" or in its expenditure of the funds herein provided, is not reasonably consistent with its duties as agent, he shall so notify the said city and call upon it to justify the action to which he takes exception. If the Commissioner is not satisfied by the showing of the city he is authorized and directed to initiate such legal action against the said city as he deems appropriate and necessary to protect the interests of the State at large.

Section 2. The legislative body of every city, prior to October 1, 1944, shall designate, by resolution, which of its

streets are regularly and customarily used by motor vehicles from without the city, and prepare a plat showing such streets. Streets so designated shall be referred to in this Act as "City-State Highways." Except as provided in Section 7 hereof, no street shall be designated a "City-State Highway" until after reasonable investigation of the fact of its use by out-of-city motor vehicles. Changes may be made in the designation of "City-State Highways" by the city's legislative body, from time to time, based on like investigation, and the plat shall be corrected to reflect such changes. Proposed new streets or different routes of old streets may be designated as "City-State Highways" and shown on the plat as such provided investigation reasonably assures that upon completion they will be regularly and customarily used by motor vehicles from without the city. A copy of the plat of its "City-State Highways" shall be supplied by every city to the Highway Department, which shall be promptly notified of any changes therein.

Section 3. The Department of Highways, when called upon by the cities in the manner hereinafter set forth, is directed to authorize the payment to the several cities out of the State Road Fund of an amount, in the aggregate, equal to twenty per cent (20%) of the State Gasoline Tax to be used exclusively for maintenance of "City-State Highways;" and the share thereof allocated to each city shall be in the proportion which that city's population bears to the total population of all the cities of the State as determined by the last decennial Federal census.

The Department of Revenue, not later than the 10th day of October, 1944, shall certify to the Highway Department the amount paid in to the State Treasurer from the State Gasoline Tax, for the period from the effective date of this Act through September 30th, 1944. Thereafter, the Department of Revenue shall make like certification for each successive three months' period, the certification to be made not later

than the tenth day of the calendar month next after the conclusion of the preceding period.

Within fifteen days from the receipt of each certification from the Department of Revenue, the Highway Department shall mail to each city a statement showing the funds allocated to it, based on the last certification from the Department of Revenue, together with the balance of any prior allocation still available for distribution to said city.

Section 4. Upon receipt of the statement referred to in Section 3, any city may call on the Highway Department for all or any part of the funds shown to be available for distribution to it. The city's "call" for funds shall be addressed to the Commissioner of Highways and shall disclose, specifically, how the city proposes to use the funds called for in the maintenance of its "City-State Highways." There shall be attached to every such "call", except the first, a report of the disposition of all funds received by the city pursuant to its last "call", which report shall be in sufficient detail to disclose, specifically, what the city did with said funds with respect to the maintenance of its "City-State Highways." The "call," including all disclosures herein required, shall be made on forms supplied by the Department of Highways, and shall be verified by the chief executive officer of the city.

When funds are called for by a city, as herein provided, the Department of Highways shall promptly authorize the payment thereof to the city.

Except as provided in Section 9 or under a contract pursuant to Section 5, any funds which are not called for one year after the receipt by the city of the statement showing their allocation to it, shall revert to the general use of the Highway Department and the city to whose account they had been allocated shall have no further claim to same.

Section 5. Upon the request of any city, the Highway Department is authorized, if it determine, in its discretion,

that the best interests of the State at large require it, to construct, reconstruct, repair, or improve any "City-State Highway," and to expend thereon such of its funds and use such of its facilities as it deems advisable. The means and methods of said undertaking, and the terms and conditions thereof, shall be mutually agreed upon between the Highway Department and the city. The agreement between the Highway Department and the city shall determine whether or not, and, if so, to what extent, the city must turn over to the Highway Department funds allocated to it under this Act.

Section 6. Nothing in this Act shall be construed to curtail or diminish any city's right to levy or impose taxes, including special assessments, and use the proceeds thereof for the maintenance of its "City-State Highways," nor to interfere with the city's receipt and use of any other funds which it may lawfully acquire for such purposes. Except as otherwise provided in an agreement with the Department of Highways, each city shall be responsible for the maintenance of all its "City-State Highways" and have full control and authority over same.

Section 7. Sections 177.041 to 177.047 inclusive, Kentucky Revised Statutes are hereby repealed.

Unless the contrary is provided in an agreement, with the Department of Highways, all rights of way conveyed by the city to the Commonwealth of Kentucky, pursuant to Section 177.045 Kentucky Revised Statutes, shall be re-conveyed to said city. Any existing contract between the Highway Department and any city with respect to any street thereof shall continue in effect, unless cancelled by mutual agreement of the Highway Department and the city. If any city refuses to cancel such a contract on request of the Department of Highways, it shall not during the continuance of the contract, have any right to funds which would otherwise be allocated to it under this Act. Any city street heretofore designated a

part of the State Primary Road System, pursuant to Sections 177.041-047 Kentucky Revised Statutes, shall no longer be considered as such, but same shall be designated a "City-State Highway" by the city wherein it is located, subject, however, to future change by the legislative body of the city if future conditions so warrant.

Section 8. All "City-State Highways" are declared to be necessary adjuncts to the State Primary Road System. But not integral parts thereof.

The rights and duties of the Department of Highways with respect to "City-State Highways" shall be determined by this Act, without reference to the fact that such "City-State Highways" are not designated a part of the State Primary Road System.

Section 9. One of the purposes of this Act is to facilitate federal aid in the construction, re-construction, repair or improvement of "City-State Highways" by providing the several cities with funds which may be used to match Federal Aid funds. The Highway Department is directed, so far as practical, to acquaint the several cities with the possibility of undertaking Federal Aid projects on their respective "City-State Highways" and shall advise with the cities on the choice of a project that will meet Federal Aid requirements. Any city is authorized to leave its allocated funds with the State Treasurer, or turn over to the State Treasurer funds received under this Act, or other funds if the city so desires, to be held in trust for use on a Federal Aid project on that city's "City-State Highways." The Department of Highways in its discrecretion may make available its own funds for use on such a project.

When the project has been decided on and the necessary funds made available, the Department of Highways shall clear the project with the proper authorities of the United States Government and carry it to completion by taking such action

as it ordinarily does to carry out other Federal Aid projects. If the applicable Federal statute permits, any city is authorized to deal directly with the representatives of the United States Government in undertaking and carrying out a Federal Aid project on its "City-State Highways."

The procedure above outlined in this section is not to be construed as an exclusive procedure for securing Federal Aid under this Act. The contract between the Department of Highways and a city referred to in Section 5 hereof may include appropriate provisions for employing Federal Aid funds and the other sections of this Act shall be liberally interpreted to accommodate the legislative intent to have this Act facilitate utilization of Federal Aid on "City-State Highways."

Section 10. It is declared to be the legislative intent that no part of this Act would have been enacted if any material part thereof is unconstitutional, and, without limiting the above statement, but for purposes of emphasis, it is declared the legislative intent that Sections 177.041-177.047 are not intended to be repealed if this Act, or any material part thereof, is unconstitutional.

By Mr. Hammons.

H. B. 270. An Act relating to compensation for public officers.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 6.190 of the Kentucky Revised Statutes is amended to read as follows:

Each senator and representative shall receive twenty cents per mile for necessary travel in going to and returning from the regular and special sessions of the General Assembly, and shall receive ten dollars a day during his attendance on

such sessions, except that the Speaker shall receive the per diem provided in KRS 6.200. Each senator and representative shall receive, during such period of his term of office as the General Assembly is not in session, compensation at the rate of one hundred dollars per month, except that the Speaker shall receive compensation at the rate of one hundred and seventy-five dollars per month. Where the General Assembly is not in session an entire month, the monthly compensation shall be prorated according to the number of days the General Assembly is not in session during such month.

§ 2. Section 6.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The per diem and travel allowance of the Lieutenant-Governor, President pro tem of the Senate, Speaker of the House of Representatives and members of both houses of the General Assembly shall be paid on the certificate of the respective clerks of the amount due. The monthly compensation of members of the General Assembly shall be paid on warrant of the Department of Finance.

(2) All contingent expenses of the General Assembly shall be paid upon the production of vouchers countersigned by the clerks of the proper houses.

§ 3. Section 6.220 of the Kentucky Revised Statutes is amended to read as follows:

In lieu of stationery, there shall be allowed to each member of the General Assembly, including the Lieutenant-Governor, the sum of seventy-five dollars. This allowance shall be paid out of the State Treasury at the beginning of the session.

§ 4. A new section of the Kentucky Revised Statutes is created to read as follows:

The Lieutenant-Governor shall receive, during such period of his term of office as the General Assembly is not in session, compensation at the rate of two hundred and fifty dollars per month. Where the General Assembly is not in session an entire month, the monthly compensation of the Lieutenant-Governor shall be prorated according to the number of days the General Assembly is not in session during such month.

By Mr. Hammons.

H. B. 271. An Act relating to assessment of property and repealing, amending, etc. sections of KRS.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any taxpayer aggrieved by an assessment made by the tax commissioner may appeal to the board of supervisors. A letter or petition stating the reasons for appeal shall be filed with the county court clerk within five days after the board convenes. The board shall hold a public hearing for all appeals, and after hearing all the evidence, it shall make such changes as are necessary to make appealed assessments valid. The board may on its own initiative increase an assessment or assess unlisted property but in either instance it shall give notice to the owner if known, otherwise to the occupant and notice shall be served by the sheriff of the county and he shall be paid by the fiscal court of the county the same fees allowed for serving notices in civil cases. The board of supervisors shall have power to issue subpoenas, compel the attendance of witnesses, administer oaths, and adopt rules and regulations concerning the conduct of its business.

By Mr. Hammons.

H. B. 272. An Act relating to duties and compensation of county tax commissioners, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Subsections 2, 3, 4 and 5 of Section 132.590 of Kentucky Revised Statutes are repealed, amended and re-enacted to read as follows:

(2) The compensation of the county tax commissioner shall be computed on the basis of ten cents on the one hundred dollars of the first million dollars and two and one-half cents on each one hundred dollars of the excess over one million dollars, except in counties where the assessment does not exceed one million dollars, in which case the allowance shall be fifteen cents on the one hundred dollars of the entire property listed.

(3) The county tax commissioner shall receive ten cents for each poll listed which must be paid by the fiscal court upon presentation of a proof of claim.

(4) No county tax commissioner shall receive for his personal services more than five thousand dollars during any year.

(5) In counties in which the assessed value of property exceeds fifteen million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies the sum of one thousand five hundred dollars for each seven and one-half million dollars of the property assessed in excess of fifteen million dollars, but the total sum allowed to any county tax commissioner as deputy hire shall not exceed seven thousand five hundred dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630. In any county assessing more than one hundred million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assist-

ants, three thousand dollars. In any county assessing more than thirty-five million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, one thousand five hundred dollars.

By Mr. Goins.

H. B. 273. An Act relating to marketing of burley tobacco.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. As used in this Act, unless the context requires otherwise:

(a) "Warehouse" means any tobacco warehouse operating as a place of sale for tobacco in this state.

(b) "Warehouseman" means the owner, operator, manager, lessee or proprietor of a warehouse engaged in selling tobacco, and his agents and employees.

(c) "Department" means the Department of Agriculture, Labor and Statistics.

2. The General Assembly finds as a fact that a monopoly exists in the operation of tobacco warehouses; that the operation of such warehouses is affected with the public interest; that such warehouses constitute public utilities; and that the regulation of such warehouses is in the public interest.

3. (1) No warehouseman shall charge, for any of the following services, a sum in excess of the following amounts:

(a) For all handling charges twenty-five cents ($.25) per hundred and two percentum of the selling price as a commission.

(2) No warehouseman shall make a charge for any of the above services unless the services are actually performed by warehouse hands.

4. Every warehouseman shall issue to each person for whom tobacco is sold, a sale bill itemizing the cost of such services. The warehouseman shall retain on file in his place of business a duplicate of each sale bill by him and such duplicates shall at all times be open to inspection by the Commissioner of Agriculture, Labor and Statistics or any agent, employee or inspector of the department.

5. The department shall administer and enforce the provisions of this Act. Inspectors employed pursuant to KRS 248.300 shall have power to make inspections at any warehouse for the purpose of enforcing this Act. No warehouseman shall refuse access to any inspector, employe or officer of the department who desires to inspect his warehouse or the duplicate sale bills provided for in section 4 of this Act. Funds accruing to the department under KRS 248.290 may be used for enforcing this Act.

6. (1) The department shall cause to be printed a supply of placards, twenty-five inches by thirty inches in size, setting forth, in type as large as the size of the placard will allow, the services for which charges may be made and the maximum charge for each service, as provided in section 1 of this Act. The department shall furnish to each warehouse a sufficient number of placards to enable the warehouseman to comply with the provisions of subsection (2) of this section.

(2) Every warehouseman shall keep posted, in conspicuous places in his warehouse, not less than ten of the placards provided for under subsection (1) of this section, one placard being posted in the sellers' waitingroom.

7. (1) Any warehouseman who violates any of the provisions of this Act shall, for each offense, be fined not less than ten dollars nor more than one hundred dollars.

(2) If the Commissioner of Agriculture, Labor and Statistics, after being called upon to do so by any tobacco grower, fails to perform any duty imposed upon the department with respect to the enforcement of this Act, he shall be deemed guilty of nonfeasance in office, and there shall be deducted from his salary an amount equal to one month's salary.

By Mr. Peterson.

H. B. 274. An Act relating to water districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that:

Section I.—Chapter 74 of the Kentucky Revised Statutes, being Sections 74.010 to 74.990, both inclusive, of Kentucky Revised Statutes, be amended and supplemented as follows:

Any water district, created in the manner provided in KRS 74.010 to 74.070, both inclusive, may if the commissioners of such water districts deem it feasible, build, or acquire or enlarge a water system without resort to the right to levy assessments for the cost of such water system, as is provided in KRS 74.130 to 74.250, both inclusive, and may obtain the funds with which to build, acquire or enlarge such system by the issuance of revenue bonds, payable solely from the revenue to be derived from the operation of such system.

In the event the commissioners shall decide to finance the cost of such construction, acquisition or enlargement by the issuance of revenue bonds, secured solely by the revenue of the system, the commission shall note such decision by appropriate resolution, and shall thereafter proceed under the provisions of KRS 96.350 to 96.510, both inclusive, and the water district and the commission shall have the same powers and duties as a city of the second to sixth class inclusive under the provisions of KRS 96.350 to 96.510, both inclusive.

In the event such procedure is followed the Commission shall not observe the provisions of K. R. S. 74.130 to 74.230, both inclusive.

Section II.—If any district has previously issued bonds secured entirely or partially by the right to levy an assessment as provided by KRS 74.130 to 74.230, both inclusive, and such bonds are redeemed prior to maturity, bonds to refund same may be issued secured solely by the revenue of said system in the manner provided hereinabove.

Section III.—This amendment shall not repeal nor reduce any existing rights or duties of a water district, and the commissioners thereof, but shall constitute an additional and alternate method of financing.

By Messrs. Peterson and Jonas.

H. B. 275. An Act concerning railroads, regulating the operation of trains, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. It shall be unlawful for any common carrier by railroad in the State of Kentucky, to run or permit to be run on any of its lines or any part thereof, outside of yard limits, any freight, mixed, work or wreck trains, propelled or drawn by steam, electricity, gasoline or other motive power, that has not at least the following named employees thereon: One (1) engineer and one (1) fireman for each steam locomotive where such train is propelled or drawn by steam; one (1) engineer or motorman and one (1) assistant to such engineer or motorman, where such train is propelled or drawn by electricity, gasoline or any other form of energy; one (1) conductor, one (1) brakeman, and one (1) flagman, in through freight serv-

ice; and when used in mine run switching, work train, and local freight service, they shall have at least one (1) conductor, two (2) brakemen and one (1) flagman.

Sec. 2. It shall be unlawful for any person or persons, corporation or common carrier by railroad, to operate or permit to be operated on any of its tracks in the State of Kentucky, any locomotive, engine or motor used to switch cars, to handle cars, unless said locomotive, engine or motor is manned with a crew of competent employees consisting of not less than one (1) engineer, or motorman, one (1) fireman or assistant to such engineer or motorman, one (1) conductor or fireman and two (2) brakemen or switchmen, and where such locomotive, engine, or motor is operated over or upon any highway or street, within the corporate limits of any municipality it shall be manned by a crew of competent employees consisting of not less than one (1) engineer or motorman, one (1) fireman or assistant to such engineer or motorman, one (1) conductor or foreman and three (3) brakemen.

Sec. 3. It shall be unlawful for any person or persons, corporation or common carrier by railroad, to operate or permit to be operated on any of its track, outside of yard limits, in the State of Kentucky, any locomotive, engine, motor locomotive crane, or pile driver, without cars, unless said locomotive, engine, motor, locomotive crane or pile driver, is manned with a crew of competent employees consisting of not less than one engineer or motorman, one fireman or assistant, one conductor or flagman.

Sec. 4. It shall be unlawful for any common carrier by railroad in the State of Kentucky, to run or permit to be run on any of its lines or any part thereof, outside of yard limits, any passenger, mail or express train, that has not at least the following named employees thereon: One engineer or motorman, one fireman or assistant to such engineer or motor-

man, one conductor, one brakeman and one flagman; said brakeman and flagman shall not be required to perform the duties of baggage man, express messenger or porter.

Sec. 5. Nothing in this act shall apply to any railroad whose line or lines are less than fifty miles in length, nor to motor cars used by maintenance of way department, signal men, or electric street railways operating in cities or on interurban lines, nor shall this act apply in cases of disability occurring to any member of a crew while on the road between terminals, or to relief or wrecking trains where sufficient men are not available.

Sec. 6. Any person or persons, corporation, or common carrier by railroad, operating any railroad in this Commonwealth who shall willfully violate any of the provisions of this act, shall be liable to the Commonwealth for a penalty of not less than one hundred nor more than three hundred dollars or confined in the county jail for not less than thirty nor more than ninety days for each offense, or may be both so fined and imprisoned, and such penalties shall be recovered by action brought by the Attorney General of the Commonwealth at the direction of the State Railroad Commission, in the Circuit Court of Franklin County; provided, however, this act shall not apply in case of engine failure between terminals.

Sec. 7. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 8. If any part, subdivision or section of the Act shall be deemed unconstitutional, the validity of its remaining provisions shall not be effected thereby.

By Mr. Copeland.

H. B. 276. An Act to enable any city to establish and maintain public works.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any city is hereby authorized, through its legislative body, to establish and maintain a Public Works Cumulative Reserve Fund to provide money for paying all or part of the cost of a long range program of municipal public works; into which fund may be paid, transferred or credited any money raised by taxes specified to be for the use and benefit of such fund, together with any other money whether arising from taxes, loans, gifts, grants, or otherwise, as to which the legislative body of the city has or may hereafter have authority to and does order to be paid, transferred or credited to said fund.

Section 2. Any city, which pursuant to Section 1 hereof establishes a Public Works Cumulative Reserve Fund, is hereby authorized to levy or impose, from time to time, for the use and benefit of the said fund, any character of revenue tax which the said city is now, or may hereafter have authority to levy or impose; and to designate as the purpose for which any such tax is laid that the money raised thereby shall be paid into and be used as a part of the city's Public Works Cumulative Reserve Fund; or within the discretion of its legislative body, the city in levying or imposing such tax may designate that the proceeds thereof shall go into the Public Works Cumulative Reserve Fund to be used for a particular public work, naming it.

Section 3. The uses to which such a Public Works Cumulative Reserve Fund shall be devoted are to acquire, construct, maintain, alter, repair, or improve any municipal Public Works.

The term "Public Works" shall refer to lands, or buildings and structures, or either, or both, and shall include—

municipal buildings wherein any governmental function of the municipality, or any department, or agency thereof, may be located and carried on; schools, cultural or recreational buildings, centers, structures or lands; bridges, viaducts, overpasses, and underpasses; streets, roads, highways, sidewalks, alleys; sewers, incinerators, garbage disposal plants and other public sanitary structures or lands; public housing projects; public redevelopment or reclaimation projects; and public utilities;—the foregoing enumeration is to be construed as illustrative rather than exclusive, and other types of public buildings, structures or lands which appear useful or necessary for municipal purposes shall be included in the term "Public Works."

In any city which is or may be authorized to act jointly with a county in any governmental function, the term "Public Works" shall include any building, structure or land jointly improved and used by such city and county. Nothing in this Act shall be construed to authorize any city to acquire or construct any public work which it would lack authority, apart from this act, to acquire or construct if it had funds available to do so.

Section 4. The legislative body of any city, which establishes a Public Works Cumulative Reserve Fund pursuant to this Act, may, from time to time, designate any one or more public works, as the term is defined in Section 3, for which the fund, or parts thereof, shall be used and expended, provided that the proceeds of any tax designated under Section 2 to be used for a particular public work shall be used for that purpose only. The legislative body of the city shall determine when, and in what amount, the money in the Public Works Cumulative Reserve shall be expended, and make provisions for its withdrawal from the fund and provide for its expenditure by the city proper, through any of its departments, or agencies, or by any independent agency, board, commission, or

authority, to which the city has, or may have, authority to appropriate money for capital outlay.

Section 5. All monies paid into, transferred or credited to a Public Works Cumulative Reserve Fund shall be accumulative in such fund until expended as herein provided, and shall not, at any time, be subject to lapse into any other fund or become a surplus available for, or which may be used for, any other purpose than that herein specified.

Section 6. All money in any Public Works Cumulative Reserve Fund, prior to the time of its expenditure for some public works, may be invested by the city under the direction and authority of such city official, or board, as is designated by the city's legislative body to see to its investment. Such fund may be invested only in bonds and direct obligations of the United States Government and the interest and income from such investment shall be a part of the fund. The nature of such investments shall be as to facilitate the realization of the cash proceeds thereof as and when directed to be expended for public works, and so far as practical, maturity dates shall conform to the expected date of utilization of the funds invested.

Section 7. Whereas, at the conclusion of the War there will be an economic dislocation created by the termination of war contracts and the delay incident to the conversion of industry to peace-time activities which will result in widespread unemployment, during which period the several cities can aid greatly in taking up the slack of otherwise idle manpower on a program of municipal public works, provided they have funds then available, and it being imperative that this act take effect immediately so that the cities may commence to accumulate funds for such purposes, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

Ordered that said bills be printed and referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 9, 1944.

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Paul L. Staufer of the Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz:

Chas. W. Anderson	J. R. Dorman	G. M. Knuckles
Henry Arrowood	Bernie S. Edlin	J. T. Linton
F. H. Bassett, Jr.	Franklin Goins	Homer E. Losey
W. G. Biggers	J. D. Gross	A. L. Love
Isaac Blevins	R. M. Hall	Pearl McKinney
Douglas T. Bolling	Jas. P. Hallahan	C. C. May
J. C. Bradley	Claude Hammons	Johnston Miller
Jno. W. Burkhart	B. C. Holbrook	Harry L. Moore
Chas. W. Burnley	Benton Howard	Herbert V. Moore
C. D. Call	Clyde S. Howard	J. Lee Moore
Willis Champion	Jerry F. Howell	L. D. Moore
Jno. H. Clarke, Jr.	J. J. Huff	W. B. Moser
A. Roy Copeland	W. N. Hughes	C. Sid Nabb
Marvin Cornett	W. H. Hunt	Jno. C. Newcomb
John Henry Cox	Lee Johnson	H. C. Patterson
John P. Craig	Paul S. Jonas	Chester Peterson
Fred Creasey	Wm. E. Justice	Albert W. Pfeiffer
Thomas S. Dawson	H. Clay Kauffman	Sylvester Phillips
Adron Doran	M. Kavanaugh	James T. Philpott

J. Gip Prather	F. W. Schuhmann	C. W. Taylor
L. W. Preston	Vernon Seaton	Egbert V. Taylor
Kleber F. Price	Leon J. Shaikun	Roy L. Taylor
Edw. P. Prichard	Faust Y. Simpson	H. Thieman, Jr.
James E. Quill	George T. Smith	Otis C. Thomas
C. R. Reeves	Robt. J. Spaulding	E. B. Thompson
L. Allen Rhoads	E. A. Spencer	John L. Trumbo
Wade H. Riley	Arthur Stallard	S. J. Wagner
H. G. Royalty	Geo. W. Steinford	Harry F. Walters
Amos Runyon	Joe Stewart	R. E. West
Carl Scheben	Thos. M. Swope	Taylor Witt

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Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Howard moved that the Rules of this House governing the restriction on extending the privilege of the floor be suspended for the purpose of extending the privilege of the floor to former members of this House.

Said motion was agreed to.

Thereupon Messrs. Wallace Brown, Roger Wells, and Robert Nichols, former members of this House, were extended the privilege of the floor.

Mr. Preston moved that a bill entitled:

S. B. 41. An Act relating to appointment by a court of competent jurisdiction of interim trustee.

Be recommitted to the Committee on Veteran's Legislation.

Said motion was agreed to.

Mr. J. Lee Moore moved that the Clerk of this House be directed to have printed the Amendments as proposed by the Committee on Appropriations to H. B. 35 known as the Budget Bill.

Said motion was agreed to.

Mr. Quill moved that when the House adjourn on tomorrow, Thursday, February 9, it adjourn to meet again on Monday, February 13, at seven-thirty o'clock P. M.

Said motion was agreed to.

Mr. Quill moved that when the House adjourn today, it adjourn to meet again on tomorrow at ten o'clock A. M.

Said motion was agreed to.

Mr. Preston moved that the House take up for consideration from the Clerk's Desk a bill entitled:

H. B. 109. An Act relating to Active Militia.

Said motion was agreed to.

Thereupon the House took up for immediate consideration, said bill.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any member of the Active Militia shall be incapacitated from pursuing his usual business or occupation by reason of any injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order, which said injury or disease shall directly result from such service, he shall be entitled to receive the pay pro-

vided by Kentucky Revised Statutes 37.270 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity not exceeding ninety days from the date of receiving such injury or contracting such disease. Where a claim is made under this section, the Adjutant General may cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

§ 2. If the death of any member of the Active Militia results from an injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order the Commonwealth of Kentucky shall pay his funeral expenses, but not to exceed $250.00.

§ 3. The body of an officer or enlisted man, who dies while in active field service, or on active duty while his command is absent from its home station, shall, under the direction of his commanding officer, be promptly prepared for burial, enclosed in a suitable casket, and returned, at the expense of the State, to his late residence under a proper escort; provided, however, that the cost of the casket and preparing the body for burial shall not exceed the sum of $250.00 as allowed by Section 1 of this Act. All disbursements under Sections 1, 2 and 3 of this Act shall be a proper charge against the State and shall be paid from the Treasury on properly certified and approved vouchers.

§ 4. If any member of the Active Militia, when on duty or assembled therefor under competent authority or lawful order, shall do any act in the discharge of his duty, the doing

of which causes him to be proceeded against by civil court action, it shall be the duty of the Attorney General to represent the member of the Active Militia in any civil proceedings so begun. If, under the same conditions, a member of the Active Militia is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint for said member of the Active Militia, legal counsel, who shall represent said member in any criminal proceedings so begun. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor, and upon proper certification shall be paid from the appropriation for the Department of Military Affairs as other claims against that Department are paid.

Mr. Preston offered the following amendment to said bill, viz:

Amend H. B. 109 on page 2, Sec. 3, line 8 by striking out the words "by section 1 of this Act." and substituting in lieu thereof the words "by Section 2 of this Act."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	Isaac Blevins	Jno. W. Burkhart
Henry Arrowood	Douglas T. Bolling	Chas. W. Burnley
F. H. Bassett, Jr.	J. C. Bradley	C. D. Call

Willis Champion	J. T. Linton	L. Allen Rhoads
Jno. H. Clarke, Jr.	Homer E. Losey	Wade H. Riley
A. Roy Copeland	A. L. Love	H. G. Royalty
Marvin Cornett	Pearl McKinney	Amos Runyon
John Henry Cox	Ed Marcum	Carl Scheben
John P. Craig	C. C. May	F. W. Schuhmann
Thomas S. Dawson	Johnston Miller	Vernon Seaton
Adron Doran	Harry L. Moore	Leon J. Shaikun
J. R. Dorman	Herbert V. Moore	Jno. W. Simmons
T. H. Dyer	J. Lee Moore	Faust Y. Simpson
Bernie S. Edlin	L. D. Moore	George T. Smith
Harry W. Ennis	W. B. Moser	Robt. J. Spaulding
Franklin Goins	C. Sid Nabb	E. A. Spencer
J. D. Gross	Coy C. Nevitt	Arthur Stallard
R. M. Hall	Jno. C. Newcomb	Geo. W. Steinford
Jas. P. Hallahan	Joe E. Nunn	Joe Stewart
Claude Hammons	H. C. Patterson	Thos. M. Swope
B. C. Holbrook	Chester Peterson	C. W. Taylor
Benton Howard	Albert W. Pfeiffer	Egbert V. Taylor
Clyde S. Howard	Sylvester Phillips	H. Thieman, Jr.
Jerry F. Howell	James T. Philpott	Otis C. Thomas
J. J. Huff	J. Gip Prather	E. B. Thompson
Lee Johnson	L. W. Preston	John L. Trumbo
Wm. E. Justice	Kleber F. Price	S. J. Wagner
H. Clay Kauffman	Edw. P. Prichard	R. E. West
M. Kavanaugh	James E. Quill	Taylor Witt
G. M. Knuckles	C. R. Reeves	—89

Resolved that the title thereof be as aforesaid.

Mr. Preston moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Shaikun offered the following resolution, viz:

WHEREAS, one of the former members of this House who has distinguished himself in the Armed Forces and who has written a letter to the Gentleman from Warren County which is of much interest and inspiration to the members of this House, and

WHEREAS, this member served his county of Warren with honor and distinction during the 1940 and 1942 Sessions of the Legislature, always sponsoring resolutions and bills that sought to promote the interest and welfare of Kentucky and Kentuckians, and

WHEREAS, this former colleague of ours is now stationed in the Pacific theatre of war, and

WHEREAS, the letter he has written to the Honorable Harry W. Ennis reads as follows:

"Dear Harry:

I have often thought of you many times, especially since you are now in session and, as is to be expected, I have wished to be present for Roll Call.

We too, are in session, but it is a different sort and things are not always so pleasant.

We stayed in New Caldonia for several months, working on several jobs and I was able to see several friends while there. Was sorry that I did not get to see Dr. Toomey. Then we moved to Guadalcanal where our stay was short but most interesting.

Much evidence is left there to show that at one time conditions were really tough and it took men of strength and courage to carry on. I visited several air fields that are well known, and we saw, in reality many things which you have often seen in magazines and papers.

We bartered with the natives, who spoke very good English, and traded mattress covers and pipes for war clubs, beads and grass skirts. But now we are in a different location and I'm sorry that I cannot tell you about it.

I would like to be remembered to our good friends there and letters from them would be appreciated.

I wrote to Howard Henderson, to keep an eye on you, especially under a new administration. If you have any trouble with the "Beauticians" and "neutral spirits" be sure to remember the old slogan or call upon the boys from the "Hay Market."

With best wishes for an harmonious session, and with kindest regards, I remain

Bill," and

WHEREAS, our former colleague represented Warren County with honor and distinction, and

WHEREAS, he was loved and admired by his colleagues who grew to admire and have implicit faith and confidence in his ability and statesmanship, and

WHEREAS, his smiling countenance and winning ways are much missed amongst us during this session, and

WHEREAS, we commend to this House the heroic and meritorious service he is rendering today and has already rendered to his state and nation while serving in the Armed Forces.

THEREFORE, be it resolved that when this House do adjourn today it adjourn in honor of our former colleague, the Honorable William T. Beard of Warren County, and

BE IT FURTHER RESOLVED that a copy of these resolutions be spread upon our minutes, that a copy be sent

to the family of our former colleague, and a copy be given to the press for publication and a copy be mailed to him.

Said resolution was unanimously adopted.

The Standing Committees of the House to which the same had been referred, reported bills of the following titles, viz:

By Mr. Wagner of the Committee on Banks and Banking.

S. B. 43. An Act prohibiting the purchase of its own shares by a fiduciary bank or trust company.

S. B. 44. An Act relating to trusts and trustees and providing for powers.

H. B. 146. An Act relating to examination of state banks, etc.

With Committee amendments thereto.

By Mr. Kauffman of the Committee on Courts.

H. B. 211. An Act relating to inquests concerning sanity.

By Mr. Ennis of the Committee on Fish and Game.

H. B. 219. An Act relating to game and fish.

With Committee amendments thereto.

By Mr. Shaikun of the Committee on Cities of the First Class.

H. B. 252. An Act relating to creation, establishment, operation and maintenance of fire protection districts.

H. B. 179. An Act relating to district detectives.

With a Committee amendment thereto by way of Substitute therefor.

By Mr. Scheben of the Committee on Cities of the Second Class.

H. B. 249. An Act to amend Sec. 92.430 KRS relating to the procedure for assessing property for taxation.

H. B. 242. An Act relating to and amending the charters of cities of second, third, fourth, fifth and sixth classes.

By Mr. Swope of the Committee on Cities of the Fourth Class.

H. B. 222. An Act relating to police and fire departments of cities of 4th class.

With Committee amendments thereto.

By Mr. Call of the Committee on Compensation for Industrial Injuries.

H. B. 196. An Act relating to Workmen's Compensation.

With Committee amendments thereto.

By Mr. Stewart of the Committee on National Parks.

S. B. 76. An Act empowering the National Park Commission to condemn land for park purposes.

With a Committee Amendment thereto.

By Mr. Howard of the Committee on Suffrage and Elections.

H. B. 197. An Act relating to registration of voters.

By Mr. Preston of the Committee on Veterans Legislation.

H. B. 233. An Act relating to boxing and wrestling.

H. B. 170. An Act relating to war veterans; establishing a Disabled Ex-Service Men's Board.

With a Committee amendment thereto.

By Mr. Prather of the Committee on Kentucky State Fair.

H. B. 199. An Act relating to the operating of games of chance and gambling devices at the State Fair.

With the expression of opinion that said bills ought to pass.

Said bills were read at length the first time and ordered to be placed on the Calendar.

By Mr. Ennis of the Committee on Fish and Game.

H. B. 182. An Act relating to Fish and Game.

With a Committee amendment thereto.

Without an expression of opinion.

No motion having been made to advance said bill to a reading, it was ordered that said bill be not read at length the first time.

Ordered that said bill be placed on the Clerk's Desk.

The House took up for consideration from the Calendar bills of the following titles, viz:

S. B. 21. An Act amending Sec. 42.140 KRS relating to state employees.

H. B. 241. An Act relating to legislative research, audits and studies, etc.

H. B. 215. An Act authorizing county clerks, county sheriffs, county jailors and circuit clerks to execute bond with good surety, in counties containing a population of 75,000 or more.

H. B. 255. An Act relating to elections of electors of President and Vice President.

H. B. 95. An Act prohibiting the removal by the Governor of any officer appointed by him during said officer's term except for cause.

H. Res. 19. Resolution appropriating the sum of $300.00 as payment for sound equipment in House chamber.

H. B. 227. An Act appropriating money for general fund for fiscal year ending June 30, 1944 supplementing appropriation to Department of Agriculture.

H. B. 35. An Act appropriating money for the operation and functioning of the State Government for fiscal year ending June 30, 1945 and June 30, 1946.

With Committee amendments thereto.

S. B. 40. An Act to authorize the appointment of a nominee by banking institutions.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Mr. Swope moved that the Rules of this House be suspended and that the Speaker appoint a Committee on the part of the House and request that a like Committee be appointed on the part of the Senate to meet and take under consideration bills entitled:

S. B. 12. An Act to amend the Constitution in order to give members of the armed forces the right to vote.

H. B. 4. An Act to amend the Constitution by authorizing the General Assembly to enact laws to permit the voting of persons in the Armed Forces.

For the purpose of perfecting said bills.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Swope, Howard and J. Lee Moore as members constituting said Committee on the part of the House.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 162. An Act to provide for a conservator under certain conditions.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever a person (hereinafter referred to as an absentee) serving in or with the armed forces of the United States, or serving as a merchant seaman, has been reported or listed as missing, or missing in action, or interned in a neutral country, or beleagured, beseiged, or captured by an enemy, and such person has an interest in any form of property in this State or is a legal resident of this State and has not provided an adequate power of attorney authorizing another to act in his behalf in regard to such property or interests, the county court of the county of such absentee's legal domicile or of the county where such property is situated, upon petition alleging the foregoing facts and showing the necessity for providing care of the property of such absentee, made by any person who would have an interest in the property of the absentee were such absentee deceased, or on the court's own motion, after notice to, or on receipt of proper waivers from, the heirs and next of kin of the absentee as provided by law for the administration of an estate, and upon good cause being shown, may, after finding the facts to be as aforesaid, appoint a conservator to take charge of the absentee's estate, under the supervision and subject to the further orders of the court.

§ 2. The court shall have full discretionary authority to appoint any suitable person as such conservator and may require such conservator to post an adequate surety bond and to make such reports as the court may deem necessary. The conservator shall have the same powers and authority as the guardian of the property of an infant or the committee of an incompetent, and shall be considered as an officer or arm of the court.

§ 3. At any time upon petition signed by the absentee, or on petition of an attorney-in-fact acting under an adequate power of attorney granted by the absentee, the court shall direct the termination of the conservatorship and the transfer

of all property held thereunder to the absentee or to the designated attorney-in-fact. Likewise, if at any time subsequent to the appointment of a conservator it shall appear that the absentee has died and an executor or administrator has been appointed for his estate, the court shall direct the termination of the conservatorship and the transfer of all property of the deceased absentee held thereunder to such executor or administrator.

§ 4. Whereas this Nation is now engaged in a war and it is necessary for proper representation of the property interests of persons in the armed services of the Nation that this Act take effect promptly, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Quill offered the following amendment to said bill, viz:

Amend H. B. 162 on page 2, section 3, line 10 by striking line 10 and inserting in lieu thereof the following:

"thereunder to such executor or administrator, or to the person or persons otherwise entitled thereto under existing law."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	F. H. Bassett, Jr.	Douglas T. Bolling
Henry Arrowood	Isaac Blevins	J. C. Bradley

Jno. W. Burkhart	Paul S. Jonas	Edw. P. Prichard
Chas. W. Burnley	Wm. E. Justice	James E. Quill
C. D. Call	H. Clay Kauffman	C. R. Reeves
Willis Champion	M. Kavanaugh	L. Allen Rhoads
Jno. H. Clarke, Jr.	G. M. Knuckles	Wade H. Riley
A. Roy Copeland	J. T. Linton	H. G. Royalty
Marvin Cornett	Homer E. Losey	Amos Runyon
John Henry Cox	A. L. Love	Carl Scheben
John P. Craig	Pearl McKinney	F. W. Schuhmann
Fred Creasey	Ed Marcum	Vernon Seaton
Thos. S. Dawson	C. C. May	Jno. W. Simmons
Adron Doran	Johnston Miller	Faust Y. Simpson
J. R. Dorman	Harry L. Moore	George T. Smith
T. H. Dyer	Herbert V. Moore	Robt. J. Spaulding
Bernie S. Edlin	J. Lee Moore	E. A. Spencer
Franklin Goins	L. D. Moore	Arthur Stallard
J. D. Gross	W. B. Moser	Geo. W. Steinford
R. M. Hall	C. Sid Nabb	Joe Stewart
Jas. P. Hallahan	Jno. C. Newcomb	Thos. M. Swope
Claude Hammons	Joe E. Nunn	Egbert V. Taylor
B. C. Holbrook	H. C. Patterson	H. Thieman, Jr.
Benton Howard	Chester Peterson	Otis C. Thomas
Clyde S. Howard	Albert W. Pfeiffer	E. B. Thompson
Jerry F. Howell	Sylvester Phillips	John L. Trumbo
J. J. Huff	James T. Philpott	S. J. Wagner
W. N. Hughes	J. Gip Prather	R. E. West
W. H. Hunt	L. W. Preston	Taylor Witt
Lee Johnson	Kleber F. Price	—89

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 13. An Act to provide for 90% refund of gasoline tax.

Mr. Love moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 203. An Act relating to the District offices, garages and headquarters of the Department of Highways.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every district office, garage and district headquarters established and maintained by the Department of Highways in permanent quarters on December 1, 1943 shall continue to be maintained in such quarters or in such necessary additional quarters as may be required adjacent thereto. No part of any funds appropriated to the Department of Highways shall be expended for the purposes of maintaining district offices, garages, or headquarters at any place other than those places at which such offices, garages and headquarters were maintained on December 1, 1943.

§ 2. Any person who causes or permits the expenditure of money appropriated to the Department of Highways in violation of the provisions of section 1 of this Act shall be fined not less than $50.00 nor more than $500.00.

§ 3. Whereas the present national emergency requires that all funds intended to be used for highway purposes shall be maintained intact as far as may be possible for the post

war construction of highways, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Prichard offered the following amendment to said bill, viz:

Amend H. B. 203 on page 1, Section 2, line 4 by adding the words "per day for every day moved. Each day shall be a separate offense."

Said amendment was agreed to.

Mr. Arrowood moved that said bill be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Arrowood and Clarke, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	H. Clay Kauffman	Vernon Seaton
Henry Arrowood	G. M. Knuckles	George T. Smith
Isaac Blevins	Homer E. Losey	Robt. J. Spaulding
Douglas T. Bolling	Pearl McKinney	E. A. Spencer
Marvin Cornett	Ed Marcum	Arthur Stallard
Thos. S. Dawson	Johnston Miller	C. W. Taylor
T. H. Dyer	Herbert V. Moore	Egbert V. Taylor
Bernie S. Edlin	L. D. Moore	H. Thieman, Jr.
Harry W. Ennis	Coy C. Nevitt	Otis C. Thomas
Jas. P. Hallahan	Albert W. Pfeiffer	E. B. Thompson
Claude Hammons	Sylvester Phillips	John L. Trumbo
B. C. Holbrook	James T. Philpott	R. E. West
J. J. Huff	C. R. Reeves	Taylor Witt
W. H. Hunt	Carl Scheben	
Lee Johnson	F. W. Schuhmann	—43

Those who voted in the negative were—

F. H. Bassett, Jr.	Benton Howard	J. Gip Prather
J. C. Bradley	Clyde S. Howard	L. W. Preston
Jno. W. Burkhart	Jerry F. Howell	Kleber F. Price
Chas. W. Burnley	Paul S. Jonas	Edw. P. Prichard
C. D. Call	Wm. E. Justice	James E. Quill
Willis Champion	M. Kavanaugh	L. Allen Rhoads
Jno. H. Clarke, Jr.	J. T. Linton	Wade H. Riley
A. Roy Copeland	A. L. Love	H. G. Royalty
John Henry Cox	C. C. May	Amos Runyon
John P. Craig	Harry L. Moore	Leon J. Shaikun
Fred Creasey	W. B. Moser	Jno. W. Simmons
Adron Doran	C. Sid Nabb	Faust Y. Simpson
J. R. Dorman	Jno. C. Newcomb	Geo. W. Steinford
Franklin Goins	Joe E. Nunn	Joe Stewart
J. D. Gross	H. C. Patterson	Thos. M. Swope
R. M. Hall	Chester Peterson	S. J. Wagner

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Mr. Prichard moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. C. Bradley	Clyde S. Howard	Chester Peterson
Jno. W. Burkhart	Jerry F. Howell	Edw. P. Prichard
Chas. W. Burnley	Wm. E. Justice	James E. Quill
C. D. Call	M. Kavanaugh	L. Allen Rhoads
Jno. H. Clarke, Jr.	J. T. Linton	H. G. Royalty
A. Roy Copeland	A. L. Love	Amos Runyon
John Henry Cox	C. C. May	Leon J. Shaikun
Fred Creasey	Harry L. Moore	Faust Y. Simpson
Adron Doran	W. B. Moser	Geo. W. Steinford
Franklin Goins	C. Sid Nabb	
R. M. Hall	Jno. C. Newcomb	—31

Those who voted in the negative were—

Chas. W. Anderson	Paul S. Jonas	Carl Scheben
Henry Arrowood	H. Clay Kauffman	F. W. Schuhmann
F. H. Bassett, Jr.	G. M. Knuckles	Vernon Seaton
Isaac Blevins	Homer E. Losey	Jno. W. Simmons
Douglas T. Bolling	Pearl McKinney	George T. Smith
Willis Champion	Ed Marcum	Robt. J. Spaulding
Marvin Cornett	Johnston Miller	E. A. Spencer
John P. Craig	Herbert V. Moore	Arthur Stallard
Thos. S. Dawson	J. Lee Moore	Joe Stewart
J. R. Dorman	L. D. Moore	Thos. M. Swope
T. H. Dyer	Coy C. Nevitt	C. W. Taylor
Bernie S. Edlin	Joe E. Nunn	Egbert V. Taylor
Harry W. Ennis	H. C. Patterson	H. Thieman, Jr.
J. D. Gross	Albert W. Pfeiffer	Otis C. Thomas
Jas. P. Hallahan	Sylvester Phillips	E. B. Thompson
Claude Hammons	James T. Philpott	John L. Trumbo
B. C. Holbrook	J. Gip Prather	S. J. Wagner
Benton Howard	L. W. Preston	R. E. West
J. J. Huff	Kleber F. Price	Taylor Witt
W. H. Hunt	C. R. Reeves	
Lee Johnson	Wade H. Riley	—61

Mr. Hammons moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz:

H. B. 155. An Act relating to assessment of property for taxation, etc.

With an amendment thereto by way of Substitute therefor, as offered by Mr. Harry L. Moore.

(For bill and Substitute see House Journal of February 7)

Mr. J. Lee Moore offered the following amendment to said Substitute, viz:

Amend the Substitute for H. B. 155 on page 2, section 4, line 30 after the word "court" by inserting the words "in the county where the property exists."

Said amendment was agreed to.

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	F. H. Bassett, Jr.	Isaac Blevins
Henry Arrowood	W. G. Biggers	Douglas T. Bolling

J. C. Bradley	Paul S. Jonas	C. R. Reeves
Jno. W. Burkhart	Wm. E. Justice	L. Allen Rhoads
Chas. W. Burnley	H. Clay Kauffman	Wade H. Riley
C. D. Call	M. Kavanaugh	H. G. Royalty
Willis Champion	G. M. Knuckles	Amos Runyon
Jno. H. Clarke, Jr.	J. T. Linton	Carl Scheben
A. Roy Copeland	Homer E. Losey	F. W. Schuhmann
Marvin Cornett	A. L. Love	Vernon Seaton
John Henry Cox	Pearl McKinney	Leon J. Shaikun
John P. Craig	C. C. May	Jno. W. Simmons
Fred Creasey	Harry L. Moore	Faust Y. Simpson
Thos. S. Dawson	Herbert V. Moore	George T. Smith
Adron Doran	J. Lee Moore	Robt. J. Spaulding
J. R. Dorman	L. D. Moore	E. A. Spencer
T. H. Dyer	W. B. Moser	Arthur Stallard
Bernie S. Edlin	C. Sid Nabb	Geo. W. Steinford
Franklin Goins	Coy C. Nevitt	Joe Stewart
J. D. Gross	Jno. C. Newcomb	Thos. M. Swope
R. M. Hall	Joe E. Nunn	C. W. Taylor
Jas. P. Hallahan	H. C. Patterson	Egbert V. Taylor
Claude Hammons	Chester Peterson	H. Thieman, Jr.
B. C. Holbrook	Albert W. Pfeiffer	Otis C. Thomas
Benton Howard	Sylvester Phillips	E. B. Thompson
Clyde S. Howard	J. Gip Prather	John L. Trumbo
Jerry F. Howell	L. W. Preston	S. J. Wagner
J. J. Huff	Kleber F. Price	R. E. West
W. H. Hunt	Edw. P. Prichard	Taylor Witt
Lee Johnson	James E. Quill	—89

Resolved that the title thereof be as amended.

Mr. J. Lee Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body, entitled:

S. B. 85. An Act relating to the probate of wills of soldiers and other members of the armed forces.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Will of soldier or other member of armed forces or merchant marine, how may be proved. A will of a soldier or other member of the armed forces of the United States or merchant marine engaged in military or naval transportation, not wholly written by him but bearing his signature and the signatures of two other persons as subscribing witnesses, shall be admitted to probate upon proof that the signature is that of the testator; that the names of the subscribing witnesses are in handwriting different from the signature of the testator and from each other and that the death of the testator occurred while he was in actual service.

This act shall not be construed as affecting Ky. Rev. Stats. 394.050 relating to a nuncupative will.

WHEREAS, many soldiers in active service are dying and it is necessary that their wills be probated without undue delay in procuring statutory proof of the execution of these wills;

NOW, THEREFORE, an emergency hereby is declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

S. B. 8. An Act to provide that 90% of Excise Tax paid on refund gasoline, be refunded, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Definitions. The term "refund gasoline," as used in this Act, means gasoline, as defined in KRS 138.210, used or to be used in a tractor or stationary engine operated for agricultural purposes. The words "agricultural purposes" means purposes related to the production of agricultural products and the conducting of ordinary farm activities by individual farmers on their own farms, and do not include commercial operations for hire involving the use of tractors or engines that are moved from farm to farm. The word "Department" means the Department of Revenue. The word "Commissioner" means the Commissioner of Revenue. The term "fiscal year" means the period of twelve (12) months, beginning on the first day of July of each calendar year, and ending on the thirtieth day of the following June.

2. Refunds Authorized. Any person who shall buy gasoline for use in a farm tractor or stationary engine on a farm, who has actually used such gasoline for agricultural purposes and who, by reason of the addition of the amount of such tax to the retail price of the gasoline, by the dealer, has paid the excise tax thereon imposed by law of this Commonwealth, shall be considered to use refund gasoline, and, subject to the conditions hereinafter prescribed, shall be repaid ninety per cent (90%) of such tax; provided, that no part of such refund gasoline has been used for any other purpose than hereinabove provided, it being understood, however, that the use of refund gasoline in the operation of a farm tractor upon the highways from one field of operation to another shall not be construed to be an improper use of such gasoline; and provided further, that no such tax shall be refunded on refund gasoline purchased in quantities of less than forty (40) gallons at any one time.

3. Purchaser's Permit. Before any person shall be entitled to make claim for a refund of excise tax under this Act,

he shall hold a Purchaser's Permit issued by the Department. Application for a Purchaser's Permit shall be made in accordance with the Department's requirements on a form to be furnished by it, and shall contain a description of each stationary engine or tractor in which the refund gasoline is to be used, including the make, motor number, model, horse-power, the approximate per hour fuel consumption of the stationary engine or tractor in which refund gasoline is to be used, and such other information as the Department may require. Application for a Purchaser's Permit shall also contain a description of each additional gasoline-powered vehicle, including passenger cars, trucks, and other vehicles in which gasoline is used upon which no refund is provided under this Act, together with descriptions of each such vehicle, including make, motor number, model, and horsepower. The application shall also contain a statement of the applicant's estimate of the amount of refund gasoline he will use each month during the remainder of the fiscal year to be covered by such permit, together with a statement of the basis of such estimate, and the address of the applicant, and shall be signed and duly verified before a Notary Public or any other officer duly authorized to administer oaths in the county of the applicant's farm or residence. The application shall be accompanied by a filing fee of one dollar ($1.00). Such fee shall be transmitted to the State Treasurer by the Department of Revenue, and there credited to a separate account which shall be designated "Gasoline Tax Refund Expense Account," for which provision is hereinafter made in Section 14 of this Act, provided, however, such fee shall be refunded to the applicant if the requested permit is not issued. If the Department, after such investigation as it deems necessary, shall be satisfied that the application for a Purchaser's Permit has been made in good faith and that applicant has complied with the requirements of this Act, it shall issue a Purchaser's Permit to the applicant, privileging him to make application, in accordance with the requirements of this Act, for refund of excise taxes. Each

such permit shall expire with the fiscal year for which it is issued, except that such expiration shall not prevent the filing of claim for refund, on refund gasoline used during the fiscal year or lesser period for which the permit was issued and effective, as provided in this Act. The Department shall have authority, upon the basis of the data submitted with the application and such additional information as it may require or by investigation secure, to ascertain and fix the maximum number of gallons of gasoline on which such person may claim a refund during the period covered by the permit. The maximum number of gallons so fixed by the Department shall be stated in the permit, but such maximum may be subsequently changed by an amended permit issued as hereinafter provided.

4. Rules Affecting A Purchaser's Permit. The Department may, if the applicant for a Purchaser's Permit has violated any provision of this Act or regulation pursuant thereto; or has been convicted of bribery, theft, or false swearing within the period of five (5) years preceding the application; or if the Department has evidence of the applicant's financial irresponsibility; require the applicant to execute a corporate surety bond of one thousand dollars ($1,000) to be approved by the Department, conditioned upon the payment of all taxes and penalties for which such applicant may become liable under this Act. Each Purchaser's Permit shall bear a serial number and shall state the name and address of the person to whom it is issued, and any agents of said principal who may sign certificates of purchases.

The holder of any permit issued under this Act shall, whenever there is a change in the facts stated in the application for such permit, promptly notify the Department of such change and the Department may thereupon issue to the holder an amended permit; or, if in its judgment the facts constitute just cause therefor, suspend or revoke such permit, as is provided in Section 13 hereof.

5. Forms To Be Supplied By Department. Upon the issuance of the Purchaser's Permit, in accordance with the provisions of Section 3 hereof, the Department shall furnish to the applicant four (4) refund application forms in duplicate and a supply of certificate of purchase forms, upon each of which the Department shall cause to be placed the serial number appearing upon the applicant's permit. Each certificate of purchase form shall contain blank space for listing the kind and number of gallons of refund gasoline purchased; a statement that the same will be used exclusively by the purchaser; the purpose for which it is to be used; that no part thereof will be sold or permitted to be sold; that no part thereof will be used or permitted to be used as fuel in other than a stationary engine or tractor used for agricultural purposes; the name and address of the person selling the refund gasoline; the date of the last purchase of such gasoline; the quantity purchased; and such other information as the Department may require.

Each refund application form shall contain blanks for listing the name and address of the applicant; the kind and number of gallons of refund gasoline purchased; the amount of excise taxes paid thereon by the applicant; the name and address of the person or persons from whom it was purchased; and a statement that all of said refund gasoline has been exclusively used by the purchaser and that no part thereof has been sold by the applicant or used in any way other than in a stationary engine or tractor operated for agricultural purposes. Said refund application form shall also contain blank spaces for describing the use made of such refund gasoline in such details as the Department may prescribe, and such other information as required by the Department, including, among other things, the name and post office address of the county attorney of the county in which the applicant lives or has his principal place of business in this State.

The Department may print and require the use of such other forms as it may deem necessary in the administration of this Act. Each refund application shall also contain blanks for listing the kind and number of gallons of non-refund gasoline purchased during the period covered by the application; the name and address of the person or persons from whom it was purchased, and such other information as the Department may require.

6. Certificates of Purchase. The person to whom a Purchaser's Permit has been issued and who proposes to purchase refund gasoline, shall fill in an original and a duplicate certificate of purchase, and shall sign the original and duplicate at the time of each purchase. The seller of such gasoline shall likewise sign said original and duplicate certificate at the time of the sale, and he shall certify that the amount of gasoline stated therein has been, on the date stated in the certificate, sold and delivered by him to the purchaser whose name appears in said certificate. Neither the original nor the duplicate of said certificate shall be signed by the seller or by the purchaser until each copy of the certificate has been fully filled in nor until after the amount of gasoline stated therein as being purchased shall have been sold and delivered to the purchaser; provided, however, that an agent for the seller, or an agent for the purchaser, may execute such certificates of purchase in the name of his respective principal, if such agent also sign his own name thereon and shall have been duly authorized by the principal.

7. Refund Applications. All applications for refund of excise taxes on refund gasoline under the provisions of this Act, shall be filed with the Department on properly executed forms issued by it to the applicant. Except as provided in the next paragraph of this Section, such applications may be filed with the Department only within thirty (30) days after the first day of July, October, January, and April, and each such application shall cover only the refund gasoline

used by the applicant during the three (3) calendar months immediately preceding the calendar month in which such application is filed. Each such application shall be accompanied by the original certificate of purchase executed in accordance with this Act, covering the refund gasoline, as to which claim for refund is made; and a seller's paid invoice covering the refund gasoline described in each certificate of purchase submitted, with the words "Refund Gasoline" and the certificate of purchase serial number written on the face of the invoice; provided, that if all refund gasoline purchased as indicated on one certificate of purchase is not used during any three (3) months period, the applicant shall not make claim for refund on such fuel until the end of the next period, at which time the applicant shall claim such refund as may be due thereon and no further refund on such certificate of purchase may be claimed or allowed. The application shall be verified before a Notary Public or any other officer duly authorized to administer oaths.

The purchaser shall certify on his application for refund that he has provided a suitable container in which to store all refund gasoline purchased by him under certificate of purchase, and that such refund gasoline is kept separate from all other gasoline at all times. Applicant for refunds shall also certify that said refund gasoline container is marked in paint contrasting in color to the background paint, in letters not less than two (2) inches high, with the words "Refund Gasoline."

8. Audits and Investigation of Refunds. The Department is hereby authorized and directed to audit the claims for refund together with the supporting papers as they are filed, and in its discretion, may permit the refund application and the accompanying certificates of purchase to be amended so as to correct unintentional errors.

If, in the opinion of the Department, there appears to be any erasure in a certificate of purchase filed in support of

any refund application, or if there appears to be any erasure on the seller's paid invoice accompanying the certificate of purchase, or if for any reason the Department doubts the accuracy of the facts set forth in any such application, it shall conduct such investigation as it may deem necessary to determine the true facts and may refer for investigation the matter to the county attorney of the county in which the applicant resides or has a principal place of business or operates a farm in this State; whereupon the county attorney shall make an investigation and report his findings to the Department within sixty (60) days.

If the Department decides that the application or applications filed by an applicant contain a false statement; or that the person claiming the refund has not paid the excise tax for which refund is claimed; or has used or permitted any of the refund gasoline covered by the application to be used in any method other than in a stationary engine or tractor for agricultural purposes; or has knowingly or otherwise allowed anyone else to use the refund gasoline or any part thereof covered by said application, it shall reject said claim for refund and notify the claimant thereof. Provided, however, that if the Department finds that the applicant is indebted to the Commonwealth on account of any tax refund which has been erroneously paid to the applicant under this Act; or is indebted to the Commonwealth for any delinquent tax liability, it shall decline to approve the claim for refund until the applicant has complied with the law and thus removed the delinquency, whereupon he shall be paid his claim for refund of gasoline taxes in the manner prescribed in this Act if the Department finds that he is justly entitled thereto.

9. Refunds To Be Made. When the Department finds that any refund application has been properly executed and that the applicant has complied with the requirements of this Act, it shall promptly approve such application, and credit the amount of excise tax which should be paid thereunder to

the applicant, and said approved claim for refund shall be paid without interest, as other claims on the State Treasury are paid, from funds allocated by subsection (2) of KRS 47.010, for the purpose of the construction, reconstruction, maintenance and repair of roads, highways, and bridges; provided, however, that the total amount of refund gasoline covered by any claimant's application during the period covered by the permit, shall not exceed the maximum amount stated in the original or amended permit issued to the applicant; and provided further, that the amount due to any claimant for any three (3) months may be consolidated with the succeeding three (3) months and paid as one claim if the payment of an approved claim shall not be delayed more than four (4) months.

10. Each seller of refund gasoline shall, in accordance with the Department's requirements, keep at his principal place of business in this State a complete record of all invoices on all such refund gasoline sold by him under certificates of purchase provided for in this Act, which shall give the date of each sale, the amount of refund gasoline sold, the name of the person to whom sold, the sale price, the amount of gasoline tax included in the sales price, the serial number of the certificate of purchase against which the gasoline was delivered, and the statement written across the invoice, "Refund Gasoline."

Every person to whom a purchaser's permit has been issued under this Act, shall, in accordance with the Department's requirements, keep at his residence or principal place of business in this State a strict account showing as to each purchase of refund gasoline the amount of such gasoline purchased, the name of the seller, the date of purchase, and a statement of the use made of such gasoline, in such detail as the Department may reasonably require.

The records required to be kept by the sellers and purchasers of refund gasoline shall, at all reasonable hours be subject to inspection by the Department or by any person duly authorized by it therefor, and by the county attorney

of the county in which such books and records are herein required to be kept. Such records shall be preserved and shall not be destroyed until one (1) year after the end of the fiscal year during which the refund gasoline to which they relate was sold and purchased.

11. Suspension; Revocation; Criminal Penalties. (a) It shall be unlawful for any person to make a false or fraudulent statement in an application for a permit, or in a certificate of purchase, or in an application for a refund of any taxes under this Act; or to fraudulently obtain a refund of such taxes or to knowingly aid or assist in making any such false or fraudulent statement or claim; or, after having bought refund gasoline under the provisions of this Act, to use or permit such gasoline or any part thereof to be used for any purpose other than in a stationary engine or tractor for agricultural purposes; or to sell or give refund gasoline to another for his own use; or, if he be not the original purchaser, to use for his own purposes any such gasoline which he knows or has reasonable grounds for believing has been purchased under the provisions of this Act.

(b) The Purchaser's Permit of any person who shall violate any provision of paragraph (a) of this section shall be revoke by the Department and may not be re-issued until two (2) years shall have elapsed from the date of such revocation, and such person, whether or not his permit has been revoked by the Department, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100) or more than five hundred dollars ($500) or imprisoned not exceeding one (1) year, or both.

(c) Any seller who shall violate any provision of paragraph (a) of this section shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned not exceeding one year, or both.

(d) The Purchaser's Permit of any person who shall violate any provision of this Act, other than those contained in paragraph (a) of this Section, may be suspended by the Department for any period in its discretion not exceeding six (6) months.

(e) Any person who shall knowingly violate any provision of this Act, other than those contained in paragraph (a) of this Section, to which his attention has been expressly called by the Department, or its agents, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

The suspension or revocation of a permit as herein provided shall become effective fifteen (15) days after the date of notice sent the holder thereof at the address shown on his application, unless he shall have been granted a hearing, as provided in the next succeeding Section.

12. Appeals. Any person who shall deem himself aggrieved by any action of the Department under this Act may within fifteen (15) days from the date of notice thereof, in the manner prescribed and subject to the conditions stated in KRS 131.110 and 131.120, petition the Department for a review of such action by the Kentucky Tax Commission. Review may be obtained, and appeals to the Franklin Circuit Court, in accordance with the terms and subject to the conditions prescribed in such sections, may be taken from any final decision upon such petition for review.

13. Erroneous Refunds. If for any reason there shall under the provisions of this Act, be erroneously refunded to any person any excise taxes on gasoline, the Department shall advise the payee by mail of the erroneous refund, and if the payee shall fail within fifteen (15) days thereafter to reimburse the Commonwealth, the amount so refunded, plus twenty per cent (20%) may be recovered in an action insti-

tuted, as provided by law, by the Department in the Circuit Court of the county in which such person resides or has his principal place of business in this State. If any such refunds have been made to such person as a result of his false statement or fraudulent action, he shall be liable for the full amount received plus one hundred per cent (100%) thereof as a penalty which may be collected, plus twenty per cent (20%) of the total thereof, as provided above in this Section.

If any seller of gasoline or his agent shall sign a certificate of purchase, knowing or having reason to know that said gasoline is to be used for any purpose other than in a stationary engine or tractor for agricultural purposes, or in any other manner in violation of this Act, he shall become indebted to the Commonwealth for double the amount of excise taxes imposed thereon by law, which may be recovered by an action instituted by the Department, as provided in the preceding portion of this section.

All revenues and taxes and the one hundred per cent (100%) penalty thereon, recovered as provided in this Section, shall be deposited with the State Treasurer and credited to the State Road Fund. Three-fourths (¾) of the twenty per cent (20%) collection penalty provided in this Section shall be deposited with the State Treasurer and credited to the Delinquent Tax Fund, and the remaining one-fourth (¼) shall be so deposited and credited to the General Expenditure Fund.

14. Provision for Administration. The Department is hereby authorized to employ additional persons, in accordance with the provision of KRS 42.110 and 42.120, and incur travel, rental, and other current and capital expenses, necessary to properly accomplish the purposes of this Act and to protect the gasoline tax revenues of the Commonwealth.

There is hereby established a "Gasoline Tax Refund Expense Account," from which the expenses of the Department equal to the cost of administering this Act, except litigation

in the recovery of erroneous refunds, shall be paid. There shall be credited to this account the following:

1. The receipts from the fees which shall accompany the filing of application for Purchaser's Permit.

2. All fines and penalties, except those provided in Section 13 hereof, recovered and payable to the State under or on account of violations of this Act.

3. At the end of each quarterly period of each fiscal year, ten per cent (10%) of all excise taxes on refund gasoline covered by refund claims which have been approved by the Department during such quarter.

The Department may apportion expenses to this fund on the basis of a cost accounting distribution approved by the Department of Finance. As of the first day of July of each year funds then remaining in said special account, except such amount as the Department shall determine to be reasonably necessary to defray the expenses of the administration of this Act during the first quarter of the succeeding fiscal year, shall be transferred therefrom to the General Fund in an amount equal to the amount which the obligations of the Department apportioned to the said special fund may have been less during the fiscal year than the amount paid or to be paid from it; and the remainder shall be transferred therefrom to the State Road Fund for the purpose of the construction, reconstruction, maintenance, and repair of roads, highways, and bridges, as provided by subsection (2) of KRS 47.010. Should the Department spend more from said fund than is determined as properly apportionable to it, such excess shall be reimbursed to it from the appropriation to the Department for the next fiscal year subject to transfer, as hereinabove provided.

15. Whereas, the United States of America is now engaged in a global war, and President F. D. Roosevelt as

Commander-in-Chief of the Army and Navy has demanded a maximum production of all farm, livestock, dairy and poultry products in order to maintain the Army and Navy with food, and to supply food to the oppressed nations now under the Axis power as fast as our Armed Forces can liberate them, and

Whereas, farm and livestock producers are in immediate need of tax-free gasoline in order to efficiently and cheaply operate stationary engines and tractors to maintain maximum production in livestock, dairy, poultry and farm products,

An emergency is declared to exist, and this bill, shall become a law when properly passed by the General Assembly and approved by the Governor.

S. B. 42. An Act to make uniform the law of transfer of shares of stock in corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Title to a certificate and to the shares represented thereby can be transferred only,

(a) By delivery of the certificate indorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby, or

(b) By delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign, or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person.

The provisions of this section shall be applicable although the charter or articles of incorporation or code of regulations or by-laws of the corporation issuing the certificate and the certificate itself, provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

Sec. 2. Nothing in this act shall be construed as enlarging the powers of an infant or other person lacking full legal capacity, or of a trustee, executor or administrator, or other fiduciary, to make a valid indorsement, assignment or power of attorney.

Sec. 3. Nothing in this act shall be construed as forbidding a corporation,

(a) To recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends, and to vote as such owner, or

(b) To hold liable for calls and assessments a person registered on its books as the owner of shares.

Sec. 4. The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of such certificate with the indorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of such certificate and the written assignment or power of attorney of such person, though contained in a separate document.

Sec. 5. The delivery of a certificate to transfer title in accordance with the provisions of Section 1, is effectual, except as provided in Section 7, though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

Sec. 6. The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby is effectual, except as provided in Section 7, though the indorser or transferor,

(a) was induced by fraud, duress or mistake, to make the indorsement or delivery, or

(b) has revoked the delivery of the certificate, or the authority given by the indorsement or delivery of the certificate, or

(c) has died or become legally incapacitated after the indorsement, whether before or after the delivery of the certificate, or

(d) has received no consideration.

Sec. 7. If the indorsement or delivery of a certificate,

(a) was procured by fraud or duress, or

(b) was made under such mistake as to make the indorsement or delivery inequitable, or

If the delivery of a certificate was made

(c) without authority from the owner, or

(d) after the owner's death or legal incapacity, the possession of the certificate may be reclaimed and the transfer thereof rescinded, unless:

(1) The certificate has been transferred to a purchaser for value in good faith without notice of any facts making the transfer wrongful, or,

(2) The injured person has elected to waive the injury, or has been guilty of laches in endeavoring to enforce his rights.

Any court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof and, pending litigation, may enjoin the further transfer of the certificate or impound it.

Sec. 8. Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

Sec. 9. The delivery of a certificate by the person appearing by the certificate to be the owner thereof without the indorsement requisite for the transfer of the certificate and the shares represented thereby, but with intent to transfer such certificate or shares, shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary indorsement. The transfer shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Sec. 10. An attempted transfer of title to a certificate or to the shares represented thereby without delivery of the certificate shall have the effect of a promise to transfer and

the obligation, if any, imposed by such promise shall be determined by the law governing the formation and performance of contracts.

Sec. 11. A person who for value transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appears, warrants—

(a) That the certificate is genuine,

(b) That he has a legal right to transfer it, and

(c) That he has no knowledge of any fact which would impair the validity of the certificate.

In the case of an assignment of a claim secured by a certificate, the liability of the assignor upon such warranty shall not exceed the amount of the claim.

Sec. 12. A mortgagee, pledgee, or other holder for security of a certificate who in good faith demands or receives payment of the debt for which such certificate is security, whether from a party to a draft drawn for such debt, or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such certificate, or the value of the shares represented thereby.

Sec. 13. No attachment or levy upon shares of stock for which a certificate is outstanding shall be valid until such certificate be actually seized by the officer making the attachment or levy, or be surrendered to the corporation which issued it, or its transfer by the holder be enjoined. Except where a certificate is lost or destroyed, such corporation shall not be compelled to issue a new certificate for the stock until the old certificate is surrendered to it.

Sec. 14. A creditor whose debtor is the owner of a certificate shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such

certificate or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Sec. 15. There shall be no lien in favor of a corporation upon the shares represented by a certificate issued by such corporation and there shall be no restriction upon the transfer of shares so represented by virtue of any by-laws of such corporation, or otherwise, unless the right of the corporation to such lien or the restriction is stated upon the certificate.

Sec. 16. The alteration of a certificate, whether fraudulent or not and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of such a certificate shall convey to the transferee a good title to such certificate and to the shares originally represented thereby.

Sec. 17. Where a certificate has been lost or destroyed, a court of competent jurisdiction may order the issue of a new certificate therefor on service of process upon the corporation and on reasonable notice by publication, and in any other way which the court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the corporation or any person injured by the issue of the new certificate from any liability or expense, which it or they may incur by reason of the original certificate remaining outstanding. The court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees.

The issue of a new certificate under an order of the court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without

notice of the proceedings or of the issuance of the new certificate.

Sec. 18. In any case not provided for by this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Sec. 19. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Sec. 20. A certificate is indorsed when an assignment or a power of attorney to sell, assign, or transfer the certificate or the shares represented thereby is written on the certificate and signed by the person appearing by the certificate to be the owner of the shares represented thereby, or when the signature of such person is written without more upon the back of the certificate. In any such cases a certificate is indorsed though it has not been delivered.

Sec. 21. The person to whom a certificate was originally issued is the person appearing by the certificate to be the owner thereof, and of the shares represented thereby, until and unless he indorses the certificate to another specified person, and thereupon such other specified person is the person appearing by the certificate to be the owner thereof until and unless he also indorses the certificate to another specified person. Subsequent special indorsements may be made with like effect.

Sec. 22. (1) In this act, unless the context or subject matter otherwise requires—

"Certificate" means a certificate of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this act.

"Delivery" means voluntary transfer of possession from one person to another.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Shares" means a share or shares of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this act.

"State" includes state, territory, district and insular possession of the United States.

"Transfer" means transfer of legal title.

"Title" means legal title and does not include a merely equitable or beneficial ownership or interest.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a certificate is taken either in satisfaction thereof or as security therefor.

(2) A thing is done "in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Sec. 23. The provisions of the transfer act shall apply to certificates for shares whether issued before or after the taking effect of the transfer act, and to transfers made in this state whether of certificates for shares of domestic or foreign corporations, and also, so far as applicable, to voting trust certificates and stock purchase or subscription warrants which shall be transferable in the same manner and with the same effect as certificates for shares.

Sec. 24. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 25. This act may be cited as the Uniform Stock Transfer Act.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 164. An Act providing for telephones on state bridges and ferries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Department of Highways shall install telephones, capable of receiving local and long distance calls, on all state owned or operated bridges and ferries.

Mr. Hunt moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. J. Lee Moore moved that the vote by which the Previous Question was ordered, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. J. Lee Moore offered the following amendment to said bill, viz.:

Amend H. B. 164 on page 1, section 1, line 3 by inserting the word "toll" before the word "bridges"

Said amendment was agreed to.

Mr. Hunt moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill having been dispensed with and the same having been engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Adron Doran	G. M. Knuckles
F. H. Bassett, Jr.	T. H. Dyer	J. T. Linton
W. G. Biggers	Bernie S. Edlin	Homer E. Losey
Isaac Blevins	Franklin Goins	A. L. Love
Douglas T. Bolling	J. D. Gross	Pearl McKinney
J. C. Bradley	Jas. P. Hallahan	Johnston Miller
Jno. W. Burkhart	Claude Hammons	Herbert V. Moore
C. D. Call	B. C. Holbrook	J. Lee Moore
A. Roy Copeland	Benton Howard	L. D. Moore
Marvin Cornett	Jerry F. Howell	W. B. Moser
John Henry Cox	J. J. Huff	C. Sid Nabb
John P. Craig	W. H. Hunt	Coy C. Nevitt
Fred Creasey	Lee Johnson	Joe E. Nunn
Thos. S. Dawson	Paul S. Jonas	Chester Peterson

Albert W. Pfeiffer	F. W. Schuhmann	C. W. Taylor
J. Gip Prather	Vernon Seaton	Egbert V. Taylor
Kleber F. Price	Leon J. Shaikun	H. Thieman, Jr.
Edw. P. Prichard	Jno. W. Simmons	Otis C. Thomas
James E. Quill	George T. Smith	E. B. Thompson
C. R. Reeves	E. A. Spencer	John L. Trumbo
L. Allen Rhoads	Arthur Stallard	S. J. Wagner
H. G. Royalty	Geo. W. Steinford	R. E. West
Amos Runyon	Joe Stewart	Taylor Witt
Carl Scheben	Thos. M. Swope	—71

Those who voted in the negative were—

Chas. W. Burnley	R. M. Hall	Jno. C. Newcomb
Willis Champion	H. Clay Kauffman	L. W. Preston
Jno. H. Clarke, Jr.	M. Kavanaugh	Faust Y. Simpson
J. R. Dorman	Harry L. Moore	Robt. J. Spaulding
		—12

Resolved that the title thereof be as aforesaid.

Mr. Hunt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 186. An Act relating to toll bridges and ferries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 280.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, unless he is entitled by law to free passage, shall pass or take any vehicles over or upon any part

of any privately-owned toll bridge or toll ferry without paying in legal tender to the collector of tolls then stationed at the bridge or ferry the amount of toll prescribed by law or regulation for passage over the bridge or ferry.

(2) The school board of the district in which they belong shall pay the proper toll charges over privately-owned toll bridges or toll ferries for children going to or returning from school, and for school busses and other vehicles used exclusively in the transportation of school children to and from school.

§ 2. Section 180.320 of the Kentucky Revised Statutes is amended to read as follows:

No person except officers and employes of the Department of Highways while engaged in the discharge of their duties, or children going to or returning from school, and school busses and other vehicles used exclusively in the transportation of school children to and from school, and persons exempted by KRS 38.430, shall pass over or upon any bridge or ferry owned or operated by the Department of Highways, upon which bridge or ferry tolls are at such time regularly collected, without paying the prescribed toll to the collector of tolls stationed at the bridge or ferry at the time of the passage.

Mr. Quill offered the following amendment to said bill, viz.:

Amend H. B. 186 on page 1, section 1, line 8 by striking out the words "in which they belong" and inserting in lieu thereof the following language:

"which is furnishing school service for the children"

Said amendment was agreed to.

Mr. Nunn moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	W. H. Hunt	Wade H. Riley
W. G. Biggers	Lee Johnson	H. G. Royalty
Isaac Blevins	Paul S. Jonas	Carl Scheben
J. C. Bradley	Wm. E. Justice	F. W. Schuhmann
Jno. W. Burkhart	H. Clay Kauffman	Leon J. Shaikun
Chas. W. Burnley	Ed Marcum	Faust Y. Simpson
C. D. Call	Herbert V. Moore	E. A. Spencer
Willis Champion	J. Lee Moore	Arthur Stallard
Jno. H. Clarke, Jr.	L. D. Moore	Geo. W. Steinford
A. Roy Copeland	W. B. Moser	Joe Stewart
John Henry Cox	C. Sid Nabb	Thos. M. Swope
John P. Craig	Joe E. Nunn	Egbert V. Taylor
Fred Creasey	H. C. Patterson	H. Thieman, Jr.
Adron Doran	Albert W. Pfeiffer	E. B. Thompson
J. R. Dorman	Edw. P. Prichard	S. J. Wagner
R. M. Hall	James E. Quill	H. L. Waterfield
Benton Howard	C. R. Reeves	R. E. West

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Those who voted in the negative were—

Douglas T. Bolling	J. T. Linton	Amos Runyon
Marvin Cornett	Homer E. Losey	Jno. W. Simmons
Bernie S. Edlin	A. L. Love	George T. Smith
J. D. Gross	Pearl McKinney	Robt. J. Spaulding
Jas. P. Hallahan	Harry L. Moore	C. W. Taylor
Claude Hammons	Chester Peterson	Otis C. Thomas
J. J. Huff	Sylvester Phillips	John L. Trumbo
M. Kavanaugh	J. Gip Prather	Taylor Witt
G. M. Knuckles	Kleber F. Price	—26

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Governor announcing that he returns to this House where it originated without his signature and approval a resolution, entitled:

H. Res. 5. Resolution providing an allowance for postage, telephone, stationery, supplies and stenographic work, to each member of the present General Assembly.

Together with his objections and veto to said resolution and his reasons therefor.

(For resolution see House Journal of January 13).

The objections of the Governor and his reasons therefor are as follows, viz.:
Frankfort, Kentucky
February 9, 1944.

MESSAGE TO THE HOUSE OF REPRESENTATIVES:

House Resolution No. 5 is returned herewith without my approval. I cannot give my approval because the resolu-

tion is in violation of Section 42 and Section 235 of the Constitution of Kentucky.

Section 42 provides that the members of the General Assembly severally shall receive from the State Treasury compensation for their services which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from, the sessions of their respective houses: provided, the same may be changed by law; but no change shall take effect during the session at which it is made.

Section 235 of the Constitution further fortifies the prohibition by requiring deductions to be made from the compensation for neglect of official duties. That section reads: "The salaries of public officers shall not be changed during the terms for which they were elected; but it shall be the duty of the General Assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the General Assembly also." The duty thus imposed on the General Assembly has been discharged by the enactment of KRS 61.120, KRS 61.150, and other sections relating to particular officials.

The Compensation of the senators and representatives has been fixed by a general law which is now KRS 6.190. Allowance of thirty-five dollars to each member in lieu of stationery has been provided by KRS 6.220.

Section 57 of the Constitution provides that no member shall vote on any bill in which he has a personal or private interest.

Thus the compensation which the members of this Assembly can receive was fixed by law prior to this session. The act under consideration attempts to appropriate and pay to each senator and representative the sum of three hundred dollars. Certainly this is a change in compensation and in

violation of the Constitution. It increases the amount of money to be paid to each senator and representative. The purpose is not material. It cannot be done for any purpose. In view of these provisions of the Constitution I have no alternative but to veto this resolution.

Respectfully yours,
Simeon Willis
Governor

Mr. Rhoads moved that the House do now reconsider said bill.

Said motion was agreed to.

Thereupon the House proceeded as provided by the Constitution to reconsider said bill.

After such reconsideration the question was taken upon the passage of said bill, the objections and veto of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Marvin Cornett	Jas. P. Hallahan
F. H. Bassett, Jr.	John Henry Cox	Claude Hammons
W. G. Biggers	John P. Craig	B. C. Holbrook
Isaac Blevins	Fred Creasey	Benton Howard
Douglas T. Bolling	Thos. S. Dawson	Jerry F. Howell
J. C. Bradley	Adron Doran	J. J. Huff
Jno. W. Burkhart	J. R. Dorman	W. H. Hunt
Chas. W. Burnley	T. H. Dyer	Lee Johnson
C. D. Call	Bernie S. Edlin	Paul S. Jonas
Willis Champion	Franklin Goins	Wm. E. Justice
A. Roy Copeland	R. M. Hall	H. Clay Kauffman

M. Kavanaugh	Sylvester Phillips	George T. Smith
G. M. Knuckles	J. Gip Prather	Robt. J. Spaulding
J. T. Linton	Kleber F. Price	E. A. Spencer
Ed Marcum	Edw. P. Prichard	Arthur Stallard
Johnston Miller	James E. Quill	Geo. W. Steinford
Harry L. Moore	C. R. Reeves	Thos. M. Swope
Herbert V. Moore	L. Allen Rhoads	C. W. Taylor
J. Lee Moore	Wade H. Riley	Egbert V. Taylor
L. D. Moore	H. G. Royalty	H. Thieman, Jr.
W. B. Moser	Carl Scheben	E. B. Thompson
C. Sid Nabb	F. W. Schuhmann	John L. Trumbo
Joe E. Nunn	Vernon Seaton	S. J. Wagner
H. C. Patterson	Leon J. Shaikun	Taylor Witt
Chester Peterson	Jno. W. Simmons	
Albert W. Pfeiffer	Faust Y. Simpson	—76

Those who voted in the negative were—

Jno. H. Clarke, Jr.	Coy C. Nevitt	Otis C. Thomas
Homer E. Losey	Jno. C. Newcomb	R. E. West
A. L. Love	L. W. Preston	
Pearl McKinney	Joe Stewart	—10

Mr. Rhoads moved that the vote by which said bill was reconsidered and passed, the objections and veto of the Governor to the contrary notwithstanding, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 140. An Act relating to application blanks for motor vehicle licenses.

With a Committee Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.030 of the Kentucky Revised Statutes is amended to read as follows:

The application blank shall contain blank spaces for, and the applicant shall fill in, the owner's name and post office address, the name of the manufacturer of the motor vehicle, motor number, car or chassis number, if any, year model, horse power as rated by the Society of Automobile Engineers, motive power, style and, if the motor vehicle is a truck, the tonnage or load capacity as rated by the manufacturer and the wheelbase. Every application shall be accompanied by the appropriate fee.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.030 of the Kentucky Revised Statutes is amended to read as follows:

The application blank shall contain blank spaces for, and the applicant shall fill in, the owner's name and post office address, the make of the vehicle, motor number, car or chassis number, if any, model and year model, motive power, style body, and, if the motor vehicle is a truck, the tonnage as rated by the manufacturer. Every application shall be accompanied by the appropriate fee.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same

having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
R. E. West
Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. C. W. Taylor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill entitled:

H. B. 102. An Act to amend Sec. 91.320 KRS so as to permit joint taking of schedules or lists of taxable property by city assessors, etc.

Thereupon all other business was suspended and said bill was read at length and compared in open session and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bill, duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 175. An Act relating to civil service for employees of cities.

With a Committee Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (5) of KRS 90.310 is hereby repealed.

Section 2. KRS 90.360 is amended to read as follows:

"No employee in the classified service of the City, as designated by the Ordinance of said city adopting this Act after serving a probationary period of six months shall be removed, suspended, reduced in grade or pay, for any reason except inefficiency, misconduct insubordination or violation of law involving moral turpitude or any rule or regulation adopted by the legislative body of the City or any rule or regulation of the civil service commission. Any person may prefer charges in writing against any employee which must be filed in the office of the City Manager or other appointing authority who shall thereupon communicate said charges without delay to the Civil Service Commission of the City. Said charges must be signed by the person making same and must set out with clearness and distinctness each and every charge. It shall be the duty of the City Manager or other appointing authority whenever probable cause appears to prefer charges against any employee whom he believes to have been guilty of any conduct justifying his or her removal in the interest of public order. Upon filing of said charges the Clerk of the Civil Service Commission of the City shall notify the members thereof and shall serve a copy of said charges upon the accused employee together with the statement of the date, place and hour at which and when the hearing of said

charges shall begin, said hearing, however, not to be held within three days of the date of the service of said charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one of the days of the notice. Upon the hearing said charges shall be considered traversed and put in issue and the trial shall be confined and limited to the issues so presented by the written charges. The person accused may, however, in writing waive the service of said charge and demand trial within three days after same have been filed with the Clerk of said Civil Service Commission. The Civil Service Commission will have the power to summon and compel the attendance of witnesses at all hearings and sittings by subpoena issued by the Clerk of said body and served upon the witnesses by members of the Police Department of such City or any officer authorized to serve subpoenas of any Court of Justice within the County, and said Civil Service Commission shall have the power of a justice of the peace to punish for contempt. The accused employee shall have the right to have subpoenaed in his or her behalf, any witness or witnesses he or she may desire upon the furnishing of their names to the Clerk of said body. As many as ten of said subpoenas may be requested to be served by the accused employee, as above set out, without charge against said employee but each additional subpoena requested by said employee shall be issued by the Clerk and served by the Police Department upon the payment of a charge of Fifty ($.50) Cents to the City Clerk by the said employee or anyone in his behalf. The action and decision of said Civil Service Commission on said charges shall be reduced to writing and shall be kept in a book for that purpose and the written charge shall be preserved and securely attached to the book containing the body's decision. In cases where the City Manager or appointing authority has probably cause to believe that any employee has been guilty of any conduct justifying his or her removal or punishment he shall immediately suspend said employee from duty or from both pay

and duty pending said trial and said employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the Civil Service Commission of the City. The Civil Service Commission of the City shall fix the punishment of any employee found guilty of any charge under this Act by reprimand or a suspension for any length of time in their judgment not to exceed six months or by reducing the grade, if said employee's classification warrants same or by combining any two or more of said punishments or by removing and dismissing from the service of the City and employee so found guilty. No such employee, except as provided in the Act shell be reprimanded, removed, suspended or dismissed."

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (5) of KRS 90.310 is hereby repealed.

§ 2. KRS 90.360 is amended to read as follows:

(1) No employe in the classified service of a city, after serving a probationary period of six months in a city of the second class, or at any time in a city of the third class, shall be dismissed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude, or violation of any rule adopted by the city legislative body or the civil service commission.

(2) Any person may prefer charges in writing against any employe by filing them with the mayor, city manager or other appointing authority who shall communicate the charges without delay to the civil service commission of the city. The charges must be signed by the person making them and must set out clearly each charge. The appointing authority shall, whenever probable cause appears, prefer charges against any

employe whom he believes guilty of conduct justifying his removal. Upon the filing of charges the clerk of the civil service commission shall notify its members and serve a copy of the charges upon the accused employe with a statement of the date, place and hour at which the hearing of charges will begin, this hearing not to be held within three days of the date of the service of charges upon the accused employe. The day on which the charges are served on the accused employe shall count as one of the days of notice. The person accused may in writing waive the service of charges and demand trial within three days after they have been filed with the clerk of the civil service commission.

Upon the hearing the charges shall be considered traversed and put in issue, and the trial shall be limited to the issues presented by the written charges.

(4) The civil service commission shall have the power to summon and compel attendance of witnesses at all hearings by subpoena issued by the clerk of that body and served upon the witnesses by members of the police department of the city or any officer authorized to serve subpoenas, and the civil commission shall have the power of a justice of the peace to punish for contempt. The accused employe shall have the right to have subpoenaed any witnesses he may desire, upon furnishing their names to the clerk. As many as ten subpoenas may be served on the request of the accused employe without charge but each additional subpoena requested by him shall be issued by the clerk and served by the police department only upon payment of fifty cents to the city clerk by the employe. The action and decision of the civil service commission on the charges shall be reduced to writing and kept in a book for that purpose and the written charge shall be attached to the book containing the body's decision.

(5) In cases where the appointing authority has probable cause to believe an employe has been guilty of conduct

justifying his removal or punishment he shall immediately suspend that employe from duty or from both pay and duty pending trial and the employe shall not be placed on duty or allowed pay thereafter until the charges are heard by the civil service commission.

(6) The civil service commission shall punish any employe found guilty by reprimand or a suspension for any length of time not to exceed six months, or by reducing the grade, if the employe's classification warrants, or by combining any two or more of these punishments, or by dismissal. No employe shall be reprimanded, removed, suspended or dismissed except as provided in this section.

§ 3. Section 90.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any employe of the city found guilty by the civil service commission of any charge as provided by KRS 90.360 may appeal to the circuit court of the county in which the city is located, if the punishment is a suspension of more than thirty days, a reduction in grade, or dismissal, but the enforcement of the judgment of the civil service commission shall not be suspended pending appeal.

(2) Upon request in writing by the accused, and the payment of costs therefor, the clerk of the civil service commission shall file a certified copy of the charges and the judgment of that body in the circuit court. Upon the transcript being filed the case shall be docketed in the circuit court and trial de novo.

(3) If the clerk fails to certify the transcript to the circuit court within five days after the request is made, then the aggrieved person may file an affidavit in that court setting out as fully as possible the charges made at the time of trial and judgment, together with a statement that demand for the transcript had been made of the clerk more than five days

prior to the filing of the affidavit. Upon filing of this affidavit in the circuit court, the case shall be docketed in that court and the court may compel the filing of the transcript by the clerk by entering proper mandatory order, and upon failure of the clerk so to do, he shall be liable to fine and imprisonment for contempt. Such appeal shall have precedence over other business and be determined speedily.

(4) An appeal will lie from the judgment of the circuit court to the Court of Appeals as in other cases if the original punishment fixed by the civil service commission was dismissal of the accused.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Jno. H. Clarke, Jr.	Franklin Goins
F. H. Bassett, Jr.	A. Roy Copeland	J. D. Gross
W. G. Biggers	Marvin Cornett	R. M. Hall
Isaac Blevins	John Henry Cox	Jas. P. Hallahan
Douglas T. Bolling	John P. Craig	Claude Hammons
J. C. Bradley	Fred Creasey	B. C. Holbrook
Jno. W. Burkhart	Thos. S. Dawson	Benton Howard
Chas. W. Burnley	Adron Doran	Clyde S. Howard
C. D. Call	J. R. Dorman	Jerry F. Howell
Willis Champion	Bernie S. Edlin	W. H. Hunt

Lee Johnson	Coy C. Nevitt	Vernon Seaton
Paul S. Jonas	Jno. C. Newcomb	Leon J. Shaikun
Wm. E. Justice	H. C. Patterson	Jno. W. Simmons
H. Clay Kauffman	Chester Peterson	Faust Y. Simpson
M. Kavanaugh	Albert W. Pfeiffer	Robt. J. Spaulding
J. T. Linton	Sylvester Phillips	E. A. Spencer
Homer E. Losey	J. Gip Prather	Arthur Stallard
A. L. Love	L. W. Preston	Geo. W. Steinford
Pearl McKinney	Kleber F. Price	Joe Stewart
Ed Marcum	Edw. P. Prichard	Thos. M. Swope
C. C. May	James E. Quill	H. Thieman, Jr.
Harry L. Moore	C. R. Reeves	Otis C. Thomas
Herbert V. Moore	Wade H. Riley	E. B. Thompson
J. Lee Moore	H. G. Royalty	S. J. Wagner
L. D. Moore	Amos Runyon	R. E. West
W. B. Moser	Carl Scheben	Taylor Witt
C. Sid Nabb	F. W. Schuhmann	—80

Resolved that the title thereof be as amended.

Mr. Wagner moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred bills previously introduced or reported to this House, as follows, viz.:

H. B. No. 256. Motor Transportation

H. B. No. 257. Ways & Means

H. B. No. 258. Courts

H. B. No. 259. Ways & Means

H. B. No. 260. State Parks

H. B. No. 261. Education No. 1.

H. B. No. 262. Cities of the 1st Class

H. B. No. 263. Kentucky Statutes

H. B. No. 264. Ways & Means

H. B. No. 265. Education No. 1

H. B. No. 266. Cities of 2nd Class

H. B. No. 267. Cities of 2nd Class

H. B. No. 268. Ways & Means

H. B. No. 269. Ways & Means

H. B. No. 270. Ways & Means

H. B. No. 271. Kentucky Statutes

H. B. No. 272. Kentucky Statutes

H. B. No. 273. Agriculture No. 1 and 2 jointly

H. B. No. 274. Ky. Statutes

H. B. No. 275. Railroads

H. B. No. 276. Ky. Statutes

S. B. No. 45. Banks & Banking

S. B. No. 46. Banks & Banking

S. B. No. 57. Roads & Highways No. 1

S. B. No. 74. Kentucky Statutes

S. R. No. 7. Claims

S. R. No. 19. National Parks

S. R. No. 8. Claims

Without objection the following bills were introduced, viz.:

By Mr. Scheben.

H. B. 277. An Act relating to crime and punishment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 435.090 of the Kentucky Revised Statutes is amended to read as follows:

Any person who unlawfully carnally knows a female of and above twelve years of age against her will or consent, or by force or while she is insensible, shall be punished by death, or by confinement in the penitentiary for life without privilege of parole, or by confinement in the penitentiary for life, or by confinement in the penitentiary for not less than ten years nor more than twenty years.

By Mr. Swope.

H. B. 278. An Act relating to city officials.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 69.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) The legislative body of each city of the fourth class, except those operating under the commission or city manager form of government, as soon as it is organized or as soon thereafter as practicable, and biennially thereafter, may appoint a city attorney, or it may provide by ordinance at least sixty days previous to any election that the city attorney be elected by the qualified voters of the city at the same time and for the same term that the police judge is elected. The city

attorney shall hold his office for a term of two years, subject to removal at any time for good cause by the city legislative body.

(2) In each city of the fourth class operating under the commission form of government, a city attorney shall be elected by the qualified voters of the city, at the same time and for the same term and in the same manner that the police judge is elected.

(3) The city attorney must be a resident of the city, at least twenty-four years of age, have been a practicing attorney for at least two years, and a resident of the county for at least six months before his election. The city attorney shall prosecute all pleas of the Commonwealth and all warrants or proceedings instituted for violation of the ordinances or municipal regulations of the city in the police court, attend the meetings of the city legislative body, advise it in all matters of litigation or legal proceedings, and perform any other duties in his department required by the city legislative body. The city legislative body shall fix his compensation by ordinance before his appointment or election.

§ 2. Section 89.040 of the Kentucky Revised Statutes is amended to read as follows:

If the vote at the election held under KRS 89.030 is in favor of the organization and government of the city under the commission form of government, all the present non-elective city officers, in cities of the second and third classes, and the office of member of the city legislative body, in cities of the second, third and fourth classes, shall, at the expiration of the year following the year in which the election is held, be ipso facto abolished. In cities of the second class all of the elective city offices except those of mayor and police judge, and in cities of the fourth class all of the elective city offices except those of mayor, police judge, and city attorney, shall be

ipso facto abolished at the expiration of the term of the present officers. In cities of the third class all the elective city offices, except those of mayor, police judge and city prosecuting attorney, shall be ipso facto abolished at the expiration of the year following the year in which the election is held on the question of adopting the commission form of government.

By Mr. Nunn.

H. B. 279. An Act providing for payment of funeral or burial benefits in money, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be unlawful for any burial association or any association engaged in the business of issuing contracts, policies or agreements of burial insurance of any kind or character whatsoever or any contracts of a similar nature to issue or cause to be issued any agreement, policy, contract, bond, assurance or guarantee or to have any by-laws which shall provide for the payment of any funeral or burial benefits in merchandise or services, but all payments or benefits thereunder must be made in money.

Any person, firm, corporation, partnership or undertaking concern, duly and regularly licensed to engage in the undertaking business in the Commonwealth of Kentucky who may desire to perform the provisions of any agreement, policy, contract, bond, assurance or guarantee issued by any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky shall file with the Commissioner of Insurance of the Commonwealth of Kentucky a bond in an amount that is reasonable to be fixed by the Commissioner of Insurance of the Commonwealth of Kentucky, which bond shall be conditioned upon the faithful per-

formance of the agreement, policy, contract, bond, assurance or guarantee issued by any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky to its members as approved by the Commissioner of Insurance of the Commonwealth of Kentucky.

The Commissioner of Insurance shall adopt appropriate forms for the filing of the bond provided for herein and shall, upon request, furnish said forms to any person, firm, corporation, partnership or undertaking concern, duly and regularly licensed to engage in the undertaking business in the Commonwealth of Kentucky, who may desire to qualify under the terms of this Act.

From and after the effective date of this Act it shall be unlawful for any agreement, policy, contract, bond, assurance, or guarantee or by-law of any burial association or association of a similar nature to provide for the payment of benefits or proceeds of any such agreement, policy, contract, bond, assurance or guarantee, or any part thereof, to any designated or particular undertaker or undertaking concern or to any particular or designated tradesman or business man or to any undertaker, undertaking concern, tradesman or business man out of any particular or designated group of undertakers, undertaking concerns, tradesmen or business men; but any undertaker or undertaking concern authorized to do business in this State and who qualifies under the terms of this Act may upon request of the personal representative or family of a deceased member, or any other person having charge of the funeral of any deceased member, perform the provisions of the agreement, policy, contract, bond, assurance or guarantee and upon such performance shall be entitled to receive the benefits and proceeds provided for therein.

No agreement, policy, contract, bond, assurance or guarantee of any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky shall be transferable or assignable nor shall the benefits or any part thereof be transferable or assingable.

It is hereby declared to be the public policy of the Commonwealth of Kentucky that the designation of particular undertakers or undertaking concerns or groups of particular undertakers or undertaking concerns by contracts of burial insurance constitutes unreasonable restraint of trade between undertakers and is contrary to the public policy of the Commonwealth.

The provisions of this Act shall not be applicable to any agreement, policy, contract, bond, assurance or guarantee in existence at the time of the effective date of his Act.

The provisions of this Act are severable and if any of its provisions shall be held unconstitutional the decisions of the courts shall not affect or impair any of the remaining provisions of this Act. It is hereby declared as the legislative intent that this Act would have been adopted had not such unconstitutional provisions been included therein.

All laws or parts of laws in conflict with this Act are hereby repealed.

By Mr. Moser.

H. B. 280. An Act relating to taxation for school purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 160.480, 160.490, and 160.150, Kentucky Revised Statutes, be and the same are hereby repealed and re-enacted so that when so repealed and re-enacted they will read as follows:

(1) The ad valorem tax levy for school purposes, other than sinking fund purposes, in each school district, shall be not less than twenty-five cents annually on each one hundred

dollars of property subject to local taxation nor more than one dollar and fifty cents annually on each one hundred dollars of property subject to local taxation.

(2) The board of education of any district may request the levy of a poll tax, not exceeding two dollars on each male inhabitant within the district over twenty-one years of age who is not exempt by law from payment of poll tax.

(3) All existing subdistrict school tax levies, except those required to retire voted bonds, are hereby abolished.

By Mr. Egbert V. Taylor.

H. B. 281. An Act relating to condemned criminals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 431.240 of the Kentucky Revised Statutes of 1942 is amended and re-enacted, so that when amended said statute shall provide as follows:

(1) Unless the execution is stayed by due process of law or under authority of subsection (2) of this section, the superintendent of the penitentiary or his deputy shall proceed, on the day and at the place named in the judgment of conviction, to cause the condemned person to be electrocuted. The execution shall take place before sunrise on the day designated in the judgment.

(2) If the condemned person is insane or pregnant with child on the day designated for the execution, the execution shall be suspended until the condemned is restored to sanity or is delivered of child. The execution shall then take place under the warrant of the Governor and at the time designated by him, unless stayed by due process of law. If execution

is suspended on the ground of insanity, the Commissioner of Welfare may, after an examination as provided in Kentucky Revised Statutes, 202.380, transfer the condemned person to one of the state institutions for the treatment of the mentally afflicted, until such time as he is restored to sanity.

(3) If the condemned person escapes from custody and is recaptured after the expiration of the date fixed for the execution, the Governor, upon receiving written notice of the recapture from the superintendent of the penitentiary, shall send his warrant of execution to the superintendent by special messenger and shall name therein the day of execution. The superintendent shall then proceed to the execution thereof according to the provisions of KRS 431.220 to 431.270.

By Mr. Dorman.

H. B. 282. An Act relating to annual statements of local fiscal officers, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.290 of the Kentucky Revised Statutes is hereby repealed, amended and re-enacted, so that when amended and re-enacted it shall read as follows:

(1) Except in counties containing a city of the first class and counties and cities required by law to make a monthly or quarterly publication or an annual audit of their financial affairs, every public officer of any county, graded school district, city or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, shall at the expiration of each fiscal year, prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal

year just closed. The statement shall show the amount of public funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid. *Provided, however, that in any county, graded school district, city, or subdivision or district less than a county which operates under and controls its expenditures by means of an annual budget, the statement of disbursements shall show only the total of the disbursements charged against each appropriation contained in the budget, which statement shall follow the form and classification of expenditures fixed by the budget.*

The officer shall procure, and include in or attach to the report as a part thereof, a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of public funds to the credit of the officer making the statement. The officer shall, within thirty days after the close of the fiscal year, cause the statement to be published in full in the newspaper published in the county that has the largest bona fide circulation therein, and shall file a written or printed copy of the statement, subscribed and sworn to, in the office of the county clerk of the county in which the officer holds office. The publications required by this section shall be made in the size type provided by law and at the rate provided by law, and paid for out of the public funds in the hands of the officer making the statement.

(2) Any public officer who fails, refuses or neglects to comply with the provisions of this section shall be fined not less than fifty nor more than five hundred dollars. The fine shall be paid into the treasury of the county or city in which the convicted officer holds office.

By Mr. Rhoads.

H. B. 283. An Act relating to the examination of candidates for the office of county tax commissioner.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of KRS 132.380 is amended to read as follows:

(5) Any person who holds a certificate issued under Chapter 11 of the Acts of 1918, or under section 132.380 of the Kentucky Revised Statutes of 1942, shall remain eligible for the office of county tax commissioner, and shall not be required to take another examination under this section.

By Mr. Prichard.

H. B. 284. An Act to provide for the supervision, regulation and control of the interstate transportation of persons and property by aircraft.

Said bill is as follows, viz.:

Section 1. *Definitions.* (a) The term "common carrier", when used in this Act, shall include all carriers for hire or compensation by air who operate, or seek to operate, over fixed routes or between fixed termini within the State of Kentucky.

(b) The word "person", when used in this Act, shall mean and include any individual, co-partnership, association, corporation or other form of organization and their lessee, trustees, or receivers, appointed by any Court.

(c) The term "charter operator" shall include all persons not included in the definition of the term common carrier.

(d) The term "Commission", when used in this Act, shall mean and refer to the Public Service Commission.

Section 2. *General Purposes of Act.* It is hereby declared to be the purposes and policy of the legislature in enacting this law to confer upon the Commission the power and authority to make it its duty to supervise and regulate the transportation of persons and property by intrastate aircraft through the air between termini located within the Commonwealth of Kentucky.

Section 3. *Certificate of Public Convenience and Necessity: Determination of Board.* Any person seeking to engage in the operation of an intrastate common carrier of persons or property by aircraft, shall first obtain a certificate of convenience and necessity from the Commission in accordance with the provisions of this Act.

Section 4. *Same: Application, Contents, Fees, Insurance.* Application for such certificate shall be in writing, and shall contain such information as the Commission may require. All applications for a certificate shall be in the form prescribed by the Commission by general rule and shall be accompanied by a filing fee of $25.00, proof of insurance and all other things required by law and the rules and regulations of the Commission.

Section 5. *Same: Hearing, Notice to Interested Parties, Right to Appear: Proceedings. Upon the filing* of an application for a certificate of public convenience and necessity to operate as an intrastate common aircraft carrier, the Commission shall fix a time and place for a hearing thereon and shall cause notice of the filing of such application and of the hearing thereon to be given by mail not less than ten (10) days, exclusive of the date of mailing, before such hearing, addressed to all holders of certificates and applicants therefor whose operations, or proposed operations would be effected by the granting of proposed certificate, and upon any other person deemed by the Commission to have an interest in such proceeding. All interested persons shall have the right to

appear and take part in all proceedings before the commission either in person or by counsel. Hearings on such applications shall be conducted in accordance with the rules of evidence and law applicable to the trial of equity cases.

Section 6. *Same: Determination by Commission, Orders of Commission; Rehearing.* The Commission is hereby vested with power and authority and it is hereby made its duty upon the filing of an application for a certificate of public convenience and necessity to hear and determine under such reasonable rules and regulations as it may promulgate whether public convenience and necessity require the proposed service. The Commission may issue such certificate granting the application in whole or in part and may impose such terms and conditions as it may deem proper in the public interest. The applicant for such certificate shall be entitled thereto only upon showing by competent evidence that the public convenience and necessity requires the proposed service or operation. The Commission shall receive and consider evidence with respect to other forms of transportation, or the service, or facilities thereof, in determining whether public convenience and necessity requires the proposed service or operation. All certificates issued by the Commission shall continue in force and effect until surrendered or revoked for cause. No certificate may be transferred except upon proper application and hearing and upon a finding by the Commission that such transfer is consistent with the public interest. No certificate shall confer any proprietary, property, or exclusive rights in the use of any air space, airport, or other air-navigation facility.

The provisions of this Act shall not apply to charter operators. No certificate shall be required for the transportation of United States mail unless passengers or freight are transported. The jurisdiction of the Commission shall extend only to common carriers engaged in, or who seek to engage in, intrastate commerce. Orders of the Board shall

be served upon all parties to said proceedings by the Commission and shall become effective thirty (30) days after such service. Any of said parties to any such hearing, may upon proper petition be granted a rehearing. If any rehearing is granted within thirty (30) days after the issuance of an order, then such order shall not become effective until thirty (30) days after the determination of the Commission following said rehearing proceedings.

Section 7. *Rights; Schedules, Publication and filing; Public Inspection; Powers of Commission.* All common carriers subject to this Act shall before engaging in business file with the Commission and keep open to public inspection at its offices and terminals schedules showing all rates, fares and charges for transportation of passengers, or property between different points on its route or routes, and also between points on its own route and on the routes of other common carriers, when a through route and joint rate have been established. No intrastate common aircraft carrier shall accept or receive any person or property for transportation until the requirements of this Act have been complied with and no such carrier shall charge, demand, collect, or receive, a greater or less or different remuneration for such transportation, or for any service in connection therewith than the rates, fares and charges which have been legally established and filed with the Commission; nor shall any such carrier refund or remit in any manner or by any device, any portion of the rates, fares and charges so established. The Commission is vested with the power and authority to supervise, regulate and fix, alter and determine just, fair, reasonable and sufficient rates, fares, charges and classifications. No order of the Commission effecting rates, fares and charges shall issue except after notice and hearing on the same and any interested party may appear and take part in any such proceedings.

Section 8. (a) The Commission is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or specific rules, regulations and procedure pursuant to and consistent with the provisions of this Act as it shall deem necessary to carry out such provisions and to exercise and perform its powers and duties under this Act.

(b) The Commission is empowered to confer with or to hold joint hearings with any other State or Federal agency in connection with any matter arising under this act, and to avail itself of the cooperation, services, records and facilities of such agencies, State or Federal, as fully as may be practicable in the administration and enforcement of this chapter.

(c) No certificate shall be issued until there has been filed with and accepted by the Commission a good and sufficient indemnity bond or insurance policy issued by some surety or insurance company or other insurance carrier duly authorized to transact business as such within this State, which shall provide such terms, conditions and provisions and in such penal sums in such a maximum amount, if any, as the Commission may deem necessary for the reasonable protection of the patrons and of the public in the collections of damages for which the carrier may be liable by reason of the operation under such certificate.

Section 9. The Commission, with the approval of the Governor, may appoint a Director to hold office during the pleasure of the Commission. The person appointed as Director shall be at least twenty-five (25) years of age and shall hold a valid commercial license, or its equivalent, issued by the U. S. Government for the piloting of aircraft and shall have at least five (5) years' experience in the aeronautical industry with at least two hundred (200) certified flying hours as pilot. He shall perform such services as the Commission may direct. The Commission may appoint the same person appointed as Director by the Kentucky Aeronautics

Commission. The Director, however, shall have no right to issue or cancel certificates of convenience and necessity.

Section 10. *Revocation and Abandonment.* The Commission may, upon application of any person, or upon its own motion, and upon at least ten days notice to the parties affected thereby, and for good cause, and after an opportunity for a hearing on the same, revoke, suspend, alter, amend or modify any and all of its orders and findings, but no certificate shall be amended, altered, modified, revoked, suspended or impaired except after like notice and opportunity to be heard and upon clear proof of good, just and sufficient cause. Failure to commence operations within the time prescribed in the certificate or order of the Commission, or discontinuance of operations for more than sixty (60) days, shall be deemed just cause for revocation, but shall not be regarded as the sole cause for such action. No air carrier shall abandon any route or part thereof for which a certificate has been issued by the Commission unless, upon the application of such air carrier after notice and hearing, the Commission shall find such abandonment to be in the public interest. Any interested person may appear and be heard in opposition or in support of any such abandonment. The Commission may, by regulation or otherwise, authorize such temporary suspension of service as may be in the public interest.

Section 11. *Airports, Landing Fields; Facilities, Inspection.* No common carrier shall make use of any landing field or airport for operations of aircraft under its certificate unless it has first obtained from the Commission proper approval for such use. The Commission shall have authority to make rules and to issue orders in connection therewith and to inspect all aircraft, landing fields, airports and other facilities used in any operation authorized by the Commission. The Commission may prescribe rules and regulations and set up standards for all such airports, landing fields, aircraft and other facilities. Such rules may require the pay-

ment of a fee to meet the expenses of such inspection and the procedure in connection therewith.

Section 12. Every person coming within the provisions of this Act and every officer, agent or employee of any holder of any certificate issued under this Act and every other person who violates or causes, aids or abets any violation of this Act, or who violates, causes, aids or abets any violation of any order, rule or regulation lawfully issued pursuant to the authority granted by this Act shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00). The prosecution may be had in the circuit court of any county in which the offense or any part thereof shall have occurred.

Section 13. *Appeals.* (a) The applicant or the holder of any certificate shall have the right of an appeal from any action of the Commission by filing within forty days after the rendition of the order of the Commission a petition of appeal with the Clerk of the Franklin Circuit Court. Such petition shall state completely the grounds upon which the review is sought, and shall assign all errors relied on and shall be accompanied by a copy of the record certified by the Commission, or an abstract thereof, if agreed to by all parties to the hearing before said Commission.

(b) The person appealing shall furnish copies of the petition to each person who is a party to the hearing before such Commission.

(c) Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service thereof.

(d) No new or additional evidence may be introduced in the Circuit Court except as to fraud or misconduct of some person engaged in the administration of this Act, or affecting the order, ruling or award, but the court shall other-

wise hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not:

(1) The Commission acted without or in excess of its power;

(2) The order, decree or award was secured by fraud;

(3) The order, decision or award is not in conformity with provisions of the Act; or

(4) The finding of facts in issue is not supported by any substantial evidence.

(e) The Commission and each party shall have the right to appeal in such review proceedings. The court shall enter judgment confirming, modifying or setting aside the order, decision or award, or in its discretion remanding the case to the Commission for proceedings in conformity with direction of the court.

(f) The court may advance a judgment, and upon a sufficient showing of facts, remand the cause to said Commission:

(g) Any party may appeal from the decision of the Circuit Court to the Court of Appeals of Kentucky. Such appeals from the order of the Commission or to the Court of Appeals shall have precedence over other cases pending.

Section 14. *Severing Clause.* If any section, sub-section, clause, sentence or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Section 15. This Act shall take effect on and after its passage and approval by the Governor.

By Mr. Howard.

H. B. 285. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 124.340 of the Kentucky Revised Statutes is amended to read as follows:

No prosecution shall be had under the election laws where the penalty is less than confinement in the penitentiary unless the prosecution is commenced within two years from the time of the commission of the offense, except that prosecutions under KRS 123.990 may be commenced within five years from the time of the commission of the offense.

§ 2. Section 123.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Candidates for nomination or election to any state, county, city or district office may make expenditures, or expenditures may be made for them, for the purpose of employing and paying clerks and stenographers, for printing and advertising, for securing suitable halls for public speaking, for suitable headquarters, for stationery and stamps, and for actual traveling expenses, within the limits prescribed by this section.

(2) No candidate for nomination to any of the following offices in a primary election or before a party convention shall expend, including in his expenditures the amounts expended on his behalf by others, more than the amount set opposite the office in the following table, nor shall an equal amount be exceeded in the final election:

(a) Governor	$25,000
(b) Office from the state at large other than Governor	7,500
(c) Judge of the Court of Appeals or Railroad Commissioner	3,000
(d) State senator	1,000
(e) State representative	750
(f) Circuit judge or Commonwealth's attorney	2,500
(g) County office in county having city of first class	2,500
(h) County office in county having city of second class	2,000
(i) County office in county having city of third class	1,500
(j) County office in county not having city of first, second or third class	1,500
(k) City office in city of first class	5,000
(l) Office other than those enumerated in paragraphs (a) to (k)	500

§ 3. Section 123.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every candidate for nomination at any caucus, convention or primary election to any state, county, city or district office shall, on the fifteenth day before the date for making the nomination, file a statement in writing, subscribed and sworn to by him, setting forth in detail all sums of money or other things of value contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief by any person on his behalf, wholly or in part endeavoring

to secure his nomination to such office, and all sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination of any other person to be voted for at the same time. The statement shall set forth in detail each item of contribution or expenditure, and shall show the dates when, the persons to whom, and the purpose for which all such sums were paid, expended or promised. The statement shall further show in detail all sums of money or other things of value contributed, given or paid to the candidate or to the best of his knowledge and belief to any person on his behalf, for the purpose of furthering his candidacy, and shall show the date and the person from whom each such contribution, gift, or payment was received. In case of nominations to be made at a primary election, the statement shall be filed with the officer with whom nomination papers must be filed. In the case of nominations to be made by caucus or convention, the statement shall be filed with the Secretary of State when the office is for the state at large or for a district larger than one county, and with the county clerk when the office is for a county or a district less than one county. The candidate shall subscribe before some officer qualified to administer oaths, and file with the statement the following oath:

"I do solemnly swear that the statement herewith filed embraces all money received and spent by me, or on my behalf with my knowledge by any person for me; that I have neither directly nor indirectly arranged for or encouraged the spending of any money other than as shown in my statement; that I have not repaid any money so spent or claimed to have been spent, and that I will not do so, and that I have not violated any of the provisions of KRS 123.010 to 123.110 in letter or in spirit."

§ 4. Section 123.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall act as a campaign committee or campaign manager for any candidate for nomination or election to any public office in this state unless he has been designated as such committee or manager by the candidate by a written designation filed in the same office that the candidate's nomination papers are required to be filed. In the case of a committee consisting of more than one member each of the members must be so designated, and in the case of a committee or manager acting for more than one candidate each of the candidates must make the designation. No person shall expend, disburse or contribute any money or other thing of value on behalf of the candidacy of another person for any public office in this state, or accept or receive any money or other thing of value for such purpose, unless he has been designated as campaign committee or campaign manager as above provided, or has been designated as an agent of such campaign committe or manager by a written designation filed in the same manner as the designation of the committee or manager, by the candidate. In any civil action or civil prosecution under this chapter the acts of every member of the designated campaign committee or campaign manager shall be presumed to be with the knowledge and approval of the candidate, unless it has been clearly proved that the candidate did not have knowledge of and approve the same and that, in the exercise of reasonable care and diligence he could not have had knowledge of or opportunity to disapprove the same.

(2) Any campaign committee or campaign manager, and every committee or individual managing or paying the expenses or contributing to the expenses of a campaign for the adoption or rejection of any question submitted to the people for their approval or rejection at any election, shall make out statements in the same manner and form as those provided for in KRS 123.060 and 123.070. The statements shall be verified by the campaign manager or by a member

of the committee. Such statements relating to the candidacy of a person or group of persons shall be filed at the same times and with the same officers as the candidates are required to file their statements under KRS 123.060 and 123.070. Such statements relating to public questions shall be filed on the fifteenth day before the day of election on the question and within thirty days after the day of election, with the chairman of the canvassing board authorized to certify the results of the election.

§ 5. A new section of the statute is created, to be numbered KRS 123.035 and to read as follows:

(1) No person shall receive or accept any contribution, payment, promise, loan or gift from any corporation or individual who is prohibited by KRS 123.010, 123.020 and 123.030 from making the same.

(2) Any person who violates subsection (1) of this section shall be fined not less than two hundred and fifty dollars nor more than one thousand dollars or imprisoned in the county jail for not less than three months nor more than one year.

§ 6. Subsection (9) of Section 123.990 of the Kentucky Revised Statutes is amended to read as follows:

(9) Any person who violates any of the provisions of KRS 123.050 shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for not less than one month nor more than one year, or both.

§ 7. Subsection (10) of Section 123.990 of the Kentucky Revised Statutes is amended to read as follows:

(10) Any person who violates any of the provisions of KRS 123.060 or 123.070 shall be fined not less than one hun-

dred dollars nor more than one thousand dollars, or imprisoned in the county jail for not less than one month nor more than one year, or both.

By Mr. Trumbo.

H. B. 286. An Act relating to sales and marketing of livestock.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 261.010 of the Kentucky Revised Statutes is amended to read as follows:

(a) "Stockyard" means any livestock yard, market place, concentration point, packing plant or any other place where livestock is either bought and sold on a commercial basis.

(b) "Commissioner" means Commissioner of Agriculture, Labor and Statistics.

(c) "Department" means Department of Agriculture, Labor and Statistics.

Sec. 2. The General Assembly finds as a fact that a monopoly seems to exist in the operation of stockyards, that the operation of stockyards, is a public utility, and that the regulation of stockyards is in the public interest.

Sec. 3. This Chapter does not apply to private sales of livestock between two different individuals neither of whom engages in the business of livestock, dealer or buyer.

Sec. 4. The acceptance of livestock by a stockyard shall constitute an implied agreement on the part of the operator

or owner of the stockyard. The following implied changes shall be in effect:

Sec. 5. All livestock delivered for sale to any stockyard or stockyards shall be weighed and receipted for within one hour after arrival at the stockyard, when received between 4 a. m. and 8 p. m.

Sec. 6. Section 261.020 of the Kentucky Revised Statutes is amended to read as follows:

The Department shall administer this chapter and have general supervision over all stockyards and over all scales used by stockyards.

Sec. 7. Section 261.030 of the Kentucky Revised Statutes is amended to read as follows:

Every stockyard shall pay an annual license tax of Seventy-five Dollars ($75.00) and an additional annual tax of Fifteen Dollars ($15.00) for each scale operated in excess of one, but the total license tax paid by any stockyard shall not exceed Two Hundred Dollars ($200.00) in any year. The annual license tax shall be paid on July 1st of each year.

Sec. 8. A new section of the Kentucky Revised Statutes is created to be numbered its correct number as to the date of the passage of this bill and to read as follows:

Every stockyard shall remit to the Department, with the monthly statements required by KRS 261.120, the sum of ten cents (10c) for each head of livestock received at the stockyard for the purpose of sale during the preceding month.

Sec. 9. 261.150. The commissioner shall have the power to prescribe by regulation the hours during which sales of livestock at stockyards shall be conducted, which regulations may vary as to different stockyards according to the par-

ticular circumstances involved at each stockyard. Any agent or employe of the department who has written authority from the commissioner to act as a stockyard inspector shall have authority to designate the order in which various grades and pens of livestock shall be sold at any sale at a stockyard, and to cancel any sale where the conditions of sanitation and cleanliness do not meet the standards prescribed by the commissioner, or where any provision of this chapter or any authorized regulation prescribed by the commissioner is being violated.

Sec. 10. 261.160. The commissioner shall have authority to prescribe reasonable regulations as to the sanitation and cleanliness of stockyards, including provisions for the vaccination, quarantine or segregation of livestock received at any stockyard.

Sec. 11. No swine shall be received at any stockyard unless there is presented to the operator of the stockyard, at the time of delivery of such swine to the yard, a certificate of a qualified veterinarian certifying that such swine are free of any communicable disease, except that swine may be received for the purpose of sale for immediate slaughter without such certificate if they are properly segregated and isolated so that any disease with which they are infected will not be communicated to other swine in the stockyard.

Sec. 12. No livestock purchased by the operator of a stockyard at a place other than his stockyard shall be brought in to his stockyard for resale unless such livestock are free of communicable disease and are so certified by a qualified veterinarian.

Sec. 13. 261.170. No chattels or merchandise other than livestock shall be sold at any stockyard on any day on which livestock are to be sold at such stockyard.

Sec. 14. 261.180. No operator of a stockyard, or agent or auctioneer employed by such operator, shall misrepresent the quality of any livestock being sold at such stockyard, or make any material misrepresentation of fact concerning such livestock.

Sec. 15. Section 261.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of this chapter for which no other penalty is prescribed by this section, or who violates any regulations authorized to be prescribed by the commissioner or department, or who fails to follow the authorized directions of any stockyard inspector, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than three months, or both.

(2) Any person who violates KRS 261.120 shall be fined not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00). Each failure to report shall be a separate offense.

(3) Any owner, lessee, manager, or operator of any stockyard who attempts by any means to influence any weighman to falsely report the weight of any animal shall be fined not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00).

By Mr. Burnley.

H. B. 287. An Act relating to the establishment by cities of a gas and garbage disposal system.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, the term "Acquire" shall mean and include construct, acquire by purchase, by lease, devise, gift, or the exercise of the right of eminent domain in the manner now or hereafter provided by law for the exercise thereof and acquisition by any other mode.

§ 2. (1) Any city may acquire, maintain and operate a gas system or garbage disposal system, and, with the exception of an electric power, light, heat or water system, any other public utility system, together with extensions and necessary appurtenances thereto within or without the limits of the city.

(2) If any such public utility system is acquired from a company having a franchise, such system may be acquired as an electric plan may be acquired under the provisions of KRS 96.550 to 96.900, except as otherwise provided in this Act.

§ 3. (1) Before any city may acquire, maintain or operate a public utility system, the legislative body of the city shall pass an ordinance declaring it desirable that this be done, and shall prepare an estimate of the probable cost of said system. If revenue bonds are to be issued to pay the cost the ordinance shall so provide. An election shall be had on the adoption of the ordinance of a number of legal voters of the city equal to twenty-five percent of the total number of votes cast in the city at the last regular election file a petition within ten days after the ordinance is passed asking that the question of approval of the ordinance be submitted to a vote of the people. If the petition is filed the election shall be held at the next regular election held in the city.

(2) If an election is petitioned for, the presiding officer of the city shall certify the ordinance to the county court clerk, who shall cause to be printed on the ballots for use in the city the question: "Are you in favor of acquiring, main-

taining and operating a ..... (here insert the kind of system) in accordance with the estimate of cost adopted by the ..... (here insert the name of city) and the issuance of revenue bonds in the amount of $..... (here insert total face amount of bonds estimated by the legislative body of the city to be necessary to pay the cost of the public utility system, based upon the estimate of cost)". Opposite the question shall be printed "Yes" and "No", with the proper squares for stamping. The presiding officer of the city shall advertise the election and its object for at least seven days before the date of the election in the newspaper having the largest circulation in the city, or by handbills posted at not less than four conspicuous places in each voting precinct in the city and at the door of the City Hall. All legal voters of the city may vote at the election.

(3) If an election is held, the city shall not acquire, maintain or operate said system or issue revenue bonds unless a majority of all the qualified voters voting on the question vote in favor thereof.

(4) Before revenue bonds are issued the legislative body of the city shall select the location of said system, prepare the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land, right of ways, constructions, franchises and easements necessary for the construction of said system.

§ 4. (1) Except where an election has been held and the proposition has been defeated, any city may borrow money and issue negotiable bonds, but only after an ordinance has been adopted specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear. The ordinance shall further provide that the proposed system, with necessary appurtenances thereto, is to be acquired pursuant to the provisions of

this Act. Any bonds issued under the provisions of this Act shall be payable solely from the revenue derived from the operation of the public utility system, and shall not constitute an indebtedness of the city within the meaning of the Constitution.

(2) Money received from bonds issued as provided in subsection (1) of this section may be used to advance the expense of operation and maintenance for one month after the establishment of the system. If a surplus is accumulated, from revenue, in the operation and maintenance fund equal to the cost of maintaining and operating the public utility system during the remainder of the calendar, operating or fiscal year, as may be provided by ordinance on or before issuance of the bonds, the legislative body of the city may at any time transfer the excess to the depreciation account to be used for any improvements or additions to the system.

(3) Except as provided in subsection (2) of this section, all of the provisions of KRS 96.380 to 96.500 shall be applicable to proceedings under this Act.

§ 5. (1) Any city acquiring a public utility system under the provisions of this Act may by ordinance provide for the appointment of a commission of seven members to operate, manage and control the public utility system, which commission shall be known as the "..... Utility Commission." The commission shall provide rules, regulations and by-laws for the public utility system and shall, out of the revenue of the system, pay necessary operating expenses, repairs and additions thereto, and provide a sufficient reserve funds to insure that the utility system is kept in repair and in safe and sanitary condition and to provide against any emergency that may arise. The commission shall from time to time pay to the city the surplus revenue derived from the operation of the system as provided in this Act.

(2) In order that the commission may be nonpartisan and nonpolitical, no person shall be appointed a member thereof who has, within the last two years before his appointment, held any city, county, state or federal office, or who is related within the third degree to the mayor or any member of the legislative body of the city. The commission shall not appoint, to any subordinate office created by it, any person who is related to any member of the legislative body or to the mayor or chief executive of the city, or to any member of the commission. No officer or employe of the city, whether holding a paid or unpaid office, shall be eligible to be a member of the commission. The members of the Commission shall be citizens, taxpayers and legal voters of the city and shall not at the time of their appointment be indebted to the city or be surety on the official bond of any officer of the city. No member of the commission shall be interested in any contract for the furnishing of supplies or services of any kind to the public utility system, or to the city. If at any time during his term of office any member of the commission becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his office on the commission and another person shall be appointed.

(3) Each commissioner shall execute bond with a surety company in the penal sum of one thousand dollars, conditioned upon the faithful performance of his official duties. The bonds shall be approved by the legislative body of the city and the premiums shall be paid by the city. An action may be maintained upon any commissioner's bond by any person injured by a violation of the covenants therein contained.

(4) The members of the commission shall serve without compensation.

(5) The first public utility commission appointed in each city under this section shall be appointed for terms as follows: Two members for a term of one year, two for a term of two

years, and three for a term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

By Mr. Smith.

H. B. 288. An Act relating to boarding homes for children.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No person shall board or lodge, or conduct a boarding home for children under the age of sixteen years, unless authorized so to do, in writing, by the Commissioner of Welfare. Before authorization is issued to any person to board or lodge children under the age of sixteen years, or to conduct a boarding home for such children, the Commissioner of Welfare shall have an investigation made by the Department of Welfare, to determine whether such person has made suitable and satisfactory arrangements for the health and education of such children. When such authority has been granted by the Commissioner of Welfare, it may be revoked at any time, in the discretion of the commissioner, and such authority shall not be effective for a longer period than six months following the granting of same.

(2) Whenever the Commissioner of Welfare is notified by the health officer or assistant health officer of the county in which a boarding home for children under the age of sixteen years is being conducted, that the person conducting it is not making suitable and satisfactory arrangements for the health or education of the children being boarded or lodged therein, the commissioner shall have an investigation made by the Department of Welfare to determine whether or not the power of such person shall be revoked.

(3) Nothing in this act shall affect religious or fraternal organizations conducting orphanages, or orphanages under the direction of a regularly established board of directors, or persons caring and providing for children related to them by blood or marriage, or persons or organizations conducting day nurseries, without charge, for children during the hours between six A. M. and nine P. M.

(4) Any person violating any provision of this act shall be fined not more than five hundred dollars or imprisoned for not more than twelve months, or both.

Ordered that said bills be printed and referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 10, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Walter Blackel of the First Baptist Church of Taylorsville, Kentucky.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	J. C. Bradley	A. Roy Copeland
Henry Arrowood	Jno. W. Burkhart	John Henry Cox
F. H. Bassett, Jr.	Chas. W. Burnley	John P. Craig
W. G. Biggers	C. D. Call	Fred Creasey
Isaac Blevins	Willis Champion	Thos. S. Dawson
Douglas T. Bolling	Jno. H. Clarke, Jr.	J. R. Dorman

Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had reconsidered and passed a resolution which originated in this House entitled:

S. Res. 5. Resolution providing an allowance for postage, telephone, stationery, supplies and stenographic work, to each member of the present General Assembly.

Ordered that the Chief Clerk deliver said resolution to the Secretary of State.

Mr. Runyon moved that a bill entitled:

H. B. 141. An Act to provide that publication of county financial statements may be summarized.

Be taken from the hands of the Committee on Printing and advanced to a reading.

Without objection said motion was withdrawn by Mr. Runyon.

Mr. Runyon sent to the Clerk's Desk the following communication:

Whereas, the crisis in the schools of the State of Kentucky existed as a result of war and many other circumstances needless to mention,

Whereas, our governor and our state superintendent committed themselves openly to an increase in the salaries of Kentucky's certificated employees,

Whereas, the voters of the State of Kentucky were conscious of this emergency and recognized the trying difficulties which the teachers of its children were experiencing,

Therefore, Be It Resolved that the Pike County Board of Education, in behalf of its teachers, express its heartfelt and most sincere appreciation for this due consideration and recognition of this emergency to the governor, to the state superintendent, to the senators and representatives of the General Assembly of the State of Kentucky.

G. T. Johnson, Board Member
Sr. J. E. Johnson, Board Member
Bud Bevins, Board Member
A. Petter, Vice-Chairman
L. H. Pigg, Chairman
C. H. Farley, Superintendent

Mr. Runyon moved that said communication be spread upon the Journal.

Said motion was agreed to.

The Standing Committees of the House to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Kavanaugh of the Committee on Public Ditches.

H. B. 181. An Act relating to drainage districts.

By Mr. Burkhart of the Committee on State Parks.

H. B. 260. An Act relating to State Parks.

With the expression of opinion that said bills ought to pass.

Said bills were each read at length the first time and ordered to be placed on the Calendar.

By Mr. Bassett of the Committee on Judicial Council.

H. B. 244. An Act relating to nomination of candidates for judicial offices.

With the expression of opinion that said bill ought not to pass.

No motion having been made to advance said bill to a reading, the report of the committee to the contrary notwithstanding and no further action having been taken by the House on said bill, it was ordered that said bill be not read at length the first time, and so said bill was rejected.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

S. B. 43. An Act prohibiting the purchase of its own shares by a fiduciary bank or trust company.

S. B. 44. An Act relating to trusts and trustees and providing for powers.

H. B. 146. An Act relating to examination of state banks, etc.

With Committee amendments thereto.

H. B. 211. An Act relating to inquests concerning sanity.

H. B. 219. An Act relating to game and fish.

With Committee amendments thereto.

H. B. 252. An Act relating to creation, establishment, operation and maintenance of fire protection districts.

H. B. 179. An Act relating to district detectives.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 249. An Act to amend Sec. 92.430 KRS relating to the procedure for assessing property for taxation.

H. B. 242. An Act relating to and amending the charters of cities of second, third, fourth, fifth and sixth classes.

H. B. 222. An Act relating to police and fire departments of cities of 4th class.

With Committee amendments thereto.

H. B. 196. An Act relating to Workmen's Compensation.

With Committee amendments thereto.

S. B. 76. An Act empowering the National Park Commission to condemn land for park purposes.

With a Committee Amendment thereto.

H. B. 197. An Act relating to registration of voters.

H. B. 233. An Act relating to boxing and wrestling.

H. B. 170. An Act relating to war veterans; establishing a Disabled Ex-Service Men's Board.

With a Committee amendment thereto.

H. B. 199. An Act relating to the operating of games of chance and gambling devices at the State Fair.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 13. An Act to provide that 90% of the Kentucky excise tax on refund gasoline, be refunded.

Mr. Love moved that said bill be recommitted.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 90. An Act relating to Workmen's Compensation.

Mr. Cox moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 40. An Act to authorize the appointment of a nominee by banking institutions acting in fiduciary capacity.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The appointment of a nominee by banking institutions acting in a fiduciary capacity.

Any bank or trust company when acting as executor, administrator, guardian, committee, agent, or trustee, whether alone or jointly with an individual or individuals, may with the consent of the individual fiduciary or fiduciaries, if any, (who are hereby authorized to give such consent) cause any stock or other securities held in any such capacity to be registered and held in the name of a nominee or nominees of such bank or trust company, or in its own name.

Any such bank or trust company shall be absolutely liable for any loss occasioned by the acts of any nominees of such bank or trust company with respect to such stock or other securities so registered. But no liability for any loss occasioned by the acts of any such bank or trust company, or the nominee of either of them with respect to such stock or securities so registered, shall be imposed upon the corporation, its transfer agent or registrar, which registers its stock or other securities in the name of such bank or trust company, or the nominee of either of them, in accordance with the provisions of this act.

The records of such bank or trust company shall at all times show the ownership of any such stock or other securities. Such stock or other securities shall at all times be kept separate and apart from the assets of such bank or trust company.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Mr. Kauffman offered the following amendments to said bill, viz.:

1. Amend S. B. 40 in House on page 1, section 1, lines 1 and 2 by striking out lines 1 and 2.

2. Amend S. B. 40 in House on page 2, section 1, line 24 by adding after the word "misdemeanor" the following "and fined not less than $50.00 nor more than $2,000.00."

Said amendments were each agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Willis Champion	Bernie S. Edlin
F. H. Bassett, Jr.	Jno. H. Clarke, Jr.	Harry W. Ennis
Isaac Blevins	A. Roy Copeland	Dr. J. C. Gabbard
Douglas T. Bolling	John Henry Cox	Chas. B. Gentry
J. C. Bradley	John P. Craig	Franklin Goins
Jno. W. Burkhart	Fred Creasey	J. D. Gross
Chas. W. Burnley	Thos. S. Dawson	R. M. Hall
C. D. Call	J. R. Dorman	Jas. P. Hallahan

Claude Hammons	J. Lee Moore	Vernon Seaton
B. C. Holbrook	L. D. Moore	Leon J. Shaikun
Benton Howard	W. B. Moser	Jno. W. Simmons
Jerry F. Howell	C. Sid Nabb	Faust Y. Simpson
J. J. Huff	Coy C. Nevitt	George T. Smith
W. N. Hughes	Jno. C. Newcomb	Robt. J. Spaulding
W. H. Hunt	Joe E. Nunn	E. A. Spencer
Lee Johnson	H. C. Patterson	Arthur Stallard
Paul S. Jonas	Chester Peterson	Geo. W. Steinford
Wm. E. Justice	Albert W. Pfeiffer	Joe Stewart
H. Clay Kauffman	Sylvester Phillips	Thos. M. Swope
M. Kavanaugh	James T. Philpott	C. W. Taylor
G. M. Knuckles	L. W. Preston	Egbert V. Taylor
J. T. Linton	Kleber F. Price	Roy L. Taylor
Homer E. Losey	Edw. P. Prichard	H. Thieman, Jr.
A. L. Love	James E. Quill	E. B. Thompson
Pearl McKinney	C. R. Reeves	John L. Trumbo
Ed Marcum	L. Allen Rhoads	S. J. Wagner
C. C. May	Wade H. Riley	Harry F. Walters
Johnston Miller	Amos Runyon	R. E. West
Harry L. Moore	Carl Scheben	Taylor Witt
Herbert V. Moore	F. W. Schuhmann	—89

Mr. Kauffman offered the following amendment to the title of said bill, viz.:

Amend the title to S. B. 40 in House by adding in line 2 after the word "capacity" the words "and fixing a penalty for the violation of the same."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Kauffman moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 21. An Act to prohibit any department or agency of the State from dismissing any wife or mother of a person serving in the U. S. armed forces.

Mr. Creasy moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 255. An Act to permit absentee voting by employees of Federal Government.

Mr. Quill moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 215. An Act relating to county clerks, sheriffs, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That county clerks, county sheriffs, county jailors and circuit clerks, in counties containing a population of 75,000, or more, who are required under Section 106 of the Constitu-

tion to pay the fees collected by them into the state treasury, are hereby authorized to require any deputy appointed to execute bond with good surety to be approved by the officer appointing such deputy, that he will faithfully discharge the duties of his office. A deputy who shall have such bond executed by an incorporated surety company, authorized to do a surety business in the State of Kentucky, and shall pay the premium on such bond, shall have a valid claim against the State for the amount paid for such premium and such claim shall be paid in the same manner as other claims are paid; provided, however, there is available for use by the officer appointing such deputy, fees heretofore paid into the State treasury by the officer appointing such deputy, which are sufficient for the payment of said premiums in addition to the other official expenses of such officer theretofore incurred, which are entitled to be paid out of such fees and, provided further, that payment of said premiums shall be made only from the fees theretofore paid into the State Treasury by the officer who appointed such deputy; provided further, that in each case in which a claim is made for the payment of a premium on the bond executed, as above set out, the deputy executing the bond as principal shall verify the claim by his affidavit and the amount of premium to be paid on the bond shall be approved by the officer who appointed such deputy and who shall have approved the bond.

Mr. Shaikun moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Wm. E. Justice	Wade H. Riley
W. G. Biggers	M. Kavanaugh	Amos Runyon
Isaac Blevins	G. M. Knuckles	Carl Scheben
Douglas T. Bolling	J. T. Linton	F. W. Schuhmann
J. C. Bradley	Homer E. Losey	Leon J. Shaikun
Jno. W. Burkhart	Pearl McKinney	Jno. W. Simmons
Chas. W. Burnley	Ed Marcum	Faust Y. Simpson
C. D. Call	Harry L. Moore	George T. Smith
Willis Champion	Herbert V. Moore	Robt. J. Spaulding
Jno. H. Clarke, Jr.	J. Lee Moore	E. A. Spencer
A. Roy Copeland	L. D. Moore	Arthur Stallard
John Henry Cox	W. B. Moser	Geo. W. Steinford
John P. Craig	C. Sid Nabb	Joe Stewart
Thos. S. Dawson	Jno. C. Newcomb	Thos. M. Swope
Bernie S. Edlin	Joe E. Nunn	C. W. Taylor
Dr. J. C. Gabbard	Chester Peterson	Egbert V. Taylor
Chas. B. Gentry	Albert W. Pfeiffer	Roy L. Taylor
Franklin Goins	Sylvester Phillips	H. Thieman, Jr.
R. M. Hall	James T. Philpott	Otis C. Thomas
B. C. Holbrook	J. Gip Prather	E. B. Thompson
Benton Howard	L. W. Preston	John L. Trumbo
Clyde S. Howard	Edw. P. Prichard	S. J. Wagner
Jerry F. Howell	James E. Quill	Harry F. Walters
W. N. Hughes	C. R. Reeves	R. E. West
W. H. Hunt	L. Allen Rhoads	Taylor Witt

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Those who voted in the negative were—

Chas. W. Anderson	H. Clay Kauffman	Coy C. Nevitt
Jas. P. Hallahan		

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Resolved that the title thereof be as aforesaid.

Mr. Shaikun moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 19. Resolution appropriating $300.00 for sound equipment.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying to William H. Ryan the sum of Three Hundred Dollars ($300.00) as full rental for the sound equipment being used in the House of Representatives during the 1944 Regular Session of the General Assembly, the Director of Finance is directed to certify the payment of said sum at the conclusion of the Regular Session, and the State Treasurer is directed, on the receipt of the voucher from the Director of Finance, to pay the sum of Three Hundred Dollars ($300.00) to William H. Ryan.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Isaac Blevins	Chas. W. Burnley
F. H. Bassett, Jr.	J. C. Bradley	C. D. Call
W. G. Biggers	Jno. W. Burkhart	Willis Champion

Jno. H. Clarke, Jr.	H. Clay Kauffman	C. R. Reeves
A. Roy Copeland	M. Kavanaugh	L. Allen Rhoads
John Henry Cox	G. M. Knuckles	Wade H. Riley
John P. Craig	J. T. Linton	Amos Runyon
Fred Creasey	Homer E. Losey	Carl Scheben
Thos. S. Dawson	A. L. Love	F. W. Schuhmann
J. R. Dorman	Pearl McKinney	Vernon Seaton
T. H. Dyer	Ed Marcum	Leon J. Shaikun
Bernie S. Edlin	C. C. May	Jno. W. Simmons
Harry W. Ennis	Johnston Miller	Faust Y. Simpson
Dr. J. C. Gabbard	Harry L. Moore	Robt. J. Spaulding
Chas. B. Gentry	Herbert V. Moore	E. A. Spencer
Franklin Goins	J. Lee Moore	Arthur Stallard
J. D. Gross	L. D. Moore	Geo. W. Steinford
R. M. Hall	W. B. Moser	Joe Stewart
Jas. P. Hallahan	C. Sid Nabb	C. W. Taylor
Claude Hammons	Coy C. Nevitt	Egbert V. Taylor
B. C. Holbrook	Jno. C. Newcomb	Roy L. Taylor
Benton Howard	Chester Peterson	H. Thieman, Jr.
Clyde S. Howard	Albert W. Pfeiffer	Otis C. Thomas
Jerry F. Howell	Sylvester Phillips	E. B. Thompson
J. J. Huff	James T. Philpott	John L. Trumbo
W. N. Hughes	J. Gip Prather	S. J. Wagner
W. H. Hunt	L. W. Preston	Harry F. Walters
Lee Johnson	Kleber F. Price	R. E. West
Paul S. Jonas	Edw. P. Prichard	Taylor Witt
Wm. E. Justice	James E. Quill	—89

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 227. An Act appropriating money for Department of Agriculture.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the General Fund for the fiscal year ending June 30, 1944, to the Department of Agriculture, for the payment of indemnity for Bang's Disease and Bovine Tuberculosis and the ordinary recurring expenses involved in paying such indemnity, to supplement an appropriation made by the 1942 General Assembly, the sum of Five Thousand, Seven Hundred Dollars.

§ 2. WHEREAS, the amount appropriated by the 1942 General Assembly for the purpose of paying indemnity for Bang's Disease and Bovine Tuberculosis during the fiscal year ending June 30, 1944, has not been sufficient to pay all lawful claims for cattle destroyed on account of such diseases, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. N. Hughes	L. W. Preston
Isaac Blevins	W. H. Hunt	Kleber F. Price
J. C. Bradley	Lee Johnson	Edw. P. Prichard
Jno. W. Burkhart	Paul S. Jonas	James E. Quill
Chas. W. Burnley	Wm. E. Justice	C. R. Reeves
C. D. Call	H. Clay Kauffman	L. Allen Rhoads
Willis Champion	M. Kavanaugh	Wade H. Riley
Jno. H. Clarke, Jr.	G. M. Knuckles	Amos Runyon
A. Roy Copeland	J. T. Linton	F. W. Schuhmann
John Henry Cox	Homer E. Losey	Vernon Seaton
John P. Craig	A. L. Love	Jno. W. Simmons
Fred Creasey	Pearl McKinney	George T. Smith
Thos. S. Dawson	Ed Marcum	Robt. J. Spaulding
J. R. Dorman	C. C. May	E. A. Spencer
T. H. Dyer	Johnston Miller	Arthur Stallard
Bernie S. Edlin	Harry L. Moore	Geo. W. Steinford
Harry W. Ennis	Herbert V. Moore	Joe Stewart
Dr. J. C. Gabbard	J. Lee Moore	Thos. M. Swope
Chas. B. Gentry	L. D. Moore	C. W. Taylor
Franklin Goins	W. B. Moser	Egbert V. Taylor
J. D. Gross	Coy C. Nevitt	Roy L. Taylor
R. M. Hall	Jno. C. Newcomb	H. Thieman, Jr.
Jas. P. Hallahan	Joe E. Nunn	Otis C. Thomas
Claude Hammons	H. C. Patterson	E. B. Thompson
B. C. Holbrook	Chester Peterson	John L. Trumbo
Benton Howard	Albert W. Pfeiffer	S. J. Wagner
Clyde S. Howard	Sylvester Phillips	Harry F. Walters
Jerry F. Howell	James T. Philpott	R. E. West
J. J. Huff	J. Gip Prather	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. J. Lee Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 147. An Act to establish State Tuberculosis Sanitoria.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The state is hereby divided into six tuberculosis sanatoria districts, consisting of the following counties:

(1) First District: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Livingston, Caldwell, Webster, Union, Henderson, Marshall, Calloway, Crittenden, Lyon, Trigg, Christian, Todd, Muhlenberg, Hopkins, Daviess, and McLean Counties.

(2) Second District: Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin, Larue, Marion, Nelson, Franklin, Henry, Carroll, Garrard, Bullitt, Jefferson, Oldham, Shelby, Spencer, Washington, Mercer, Boyle, Anderson, Woodford, Thimble, Jessamine, Lincoln Counties.

(3) Third District: Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Scott, Harrison, Bracken, Nicholas, Bourbon, Fayette, Clark, Montgomery, Bath, Fleming, Powell, Mason, and Robertson Counties.

(4) Fourth District: Lewis, Rowan, Menifee, Wolfe, Elliott, Carter, Greenup, Knott, Pike, Boyd, Lawrence, Morgan, Breathitt, Magoffin, Johnson, Martin, Floyd, and Letcher Counties.

(5) Fifth District: Madison, Estill, Lee, Owsley, Jackson, Rockcastle, Pulaski, Laurel, Knox, Clay, Leslie, Perry, Harlan, Bell, Whitley, McCreary, and Wayne Counties.

(6) Sixth District: Butler, Logan, Warren, Simpson, Edmonson, Allen, Hart, Barren, Clinton, Green, Taylor, Casey, Metcalfe, Adair, Russell, Monroe, and Cumberland Counties.

§ 2. It is the intention of this Act to provide for the establishment of a State Tuberculosis Sanatorium in each of the districts enumerated in Section 1 of this Act, with the exception of the Second District, which is adequately served by the Hazelwood Sanatorium.

§ 3. There is created a commisison to be known as the Tuberculosis Sanatoria Commission of Kentucky. The commission shall consist of eleven members who shall be appointed by the Governor and who shall serve at the pleasure of the Governor. Three members of the commission shall be appointed from the membership of the Kentucky State Medical Association and the other eight members shall be so selected from persons engaged in different trades, occupations and professions, in different parts of the state, as to give a fair representation to all classes of citizens of this state. The members of the commission shall receive no compensation for their services but shall be reimbursed for their necessary expenses, including traveling expenses, but the total expenses of the commission shall not exceed the sum of three thousand dollars. The commission shall continue in existence until such time as it has completed the performance of its duties as set forth in this Act.

§ 4. The Tuberculosis Sanatoria Commission of Kentucky, immediately upon its appointment, shall proceed to select suitable sites for the establishment of a state tuber-

culosis sanatorium in each of the districts enumerated in Section 1 of this Act except the Second District. The commission shall have authority to acquire by gift, purchase, condemnation or otherwise such tracts of land, not less than sixty acres for each sanatorium, as the commission considers best suited for the purpose. The commission shall select sites where there is an adequate municipal water supply and where there is convenient access to utility service and fuel. The commission may acquire tracts of land upon which buildings are erected. If it is necessary to acquire land by condemnation, the procedure shall be as provided in KRS 416.120. Title to any real estate acquired under this section shall be taken in the name of the Commonwealth. The commission shall have authority to expend not more than thirty thousand dollars, out of the sums appropriated by this Act, for the acquisition of sites, except that the Governor, in his discretion, may supplement such amount out of any emergency fund at his disposal.

§ 5. The commission shall complete its labors and submit a report to the Governor within ninety days after the date of its appointment, except that the Governor may extend such time if, in his opinion, the circumstances so require. Upon receipt of the report, the Governor shall have authority to enter into contracts for the preparation of architectural plans and for the construction of such buildings and improvements as may be necessary to provide adequate sanatorium facilities upon each site. In the event available funds are not sufficient to provide for the construction of a sanatorium on each site, the Governor, with the approval of the Tuberculosis Sanatoria Commission, shall have power to determine which sanatorium shall first be constructed. The plans and contracts for the sanatoria shall provide for facilities sufficient to accommodate not less than one hundred patients at each sanatorium. The Governor shall have the further power to

contract for the furnishing of utilities services to the sanatoria.

§ 6. Upon the completion of each sanatorium, the Governor shall appoint a board of commissioners who shall have charge of the government and operation of the sanatorium. Each board shall consist of five members who shall serve for terms of four years, except that two members of the first board shall be appointed for terms of two years, two members for terms of three years and one member for a term of four years. The members shall be residents of the district in which the sanatorium is located. The members of the board shall serve without compensation but shall be reimbursed for their necessary expenses.

§ 7. The board of commissioners for each sanatorium shall be a body corporate for the benefit of the state. All funds and property of the sanatorium shall be under the management and control of the board of commissioners, subject to the provisions of Chapters 12, 41 and 45 of the Kentucky Revised Statutes. The board may receive property by legacy, conveyance or otherwise for the benefit of the Commonwealth, in aid and furtherance of the objects of the sanatorium. Any donation to a sanatorium for a specified use shall be applied to such use and no other. The board shall furnish to the Governor an annual report covering the operations of the sanatorium and such other reports as the Governor may require. All funds of the board shall be handled as provided in Chapter 45 of the Kentucky Revised Statutes.

§ 8. The board of commissioners of each sanatorium shall have authority to employ such physicians, nurses and other personnel as it deems necessary for the operation of the sanatorium, and may regulate the terms of service, type of duties, and fix the salaries of such personnel, subject in all respects to the provisions of KRS 42.110 to 42.150. The

board of commissioners for each sanatorium shall encourage the employment of inmates in such a way as to contribute to their physical, mental and moral improvement, and may utilize the product of their labor in the maintenance of the sanatorium.

§ 9. (1) Subject to the provisions of subsections (2), (3) and (4) of this section, the board of commissioners of each sanatorium shall receive for treatment at such sanatorium any pauper patient who is a resident of the sanatorium district sent to the sanatorium by any county or city board of health with the approval of the county judge as to pauper status.

(2) The board of commissioners shall have authority to refuse to accept any patient where the acceptance of such patient would result in an unequal proportion of patients, according to population, from any county in the district.

(3) The board of commissioners may accept paying patients so long as at least one-half of the accommodations of the sanatorium are kept available for pauper patients desiring admission. The charge to be made for paying patients shall be fixed by the board subject to the approval of the Governor.

(4) Wherever the number of patients sent to a sanatorium is greater than can be accommodated and cared for in the sanatorium, the board shall place the names on a waiting list and shall receive them in the order of their application as soon as accommodations can be provided, subject to the provisions of subsections (2) and (3) of this section.

(5) By agreement of the boards of commissioners of the sanatorium involved, paying patients or pauper patients may be transferred from one sanatorium to another in order to

best accomplish the purpose of this Act to provide sanatorium facilities for all needy persons of this state. The terms upon which the transfer shall be made shall be as agreed upon by the respective boards of commissioners. If the board of commissioners cannot agree, the Governor may order a transfer in any case where he deems it necessary for the purposes of this Act.

§ 10. The cost of transporting paying patients shall be paid by themselves or by their friends or relatives. The cost of transporting paupers shall be paid by the fiscal court of the county from which they are committed.

§ 11. For the purpose of carrying out the provisions of this Act there is appropriated out of the General Fund in the State Treasury for the fiscal year beginning July 1, 1944, to the Tuberculosis Sanatoria Commission of Kentucky and to the Governor, the sum of one million, five hundred thousand dollars. In the event any portion of such appropriation is not expended during the fiscal year beginning July 1, 1944, the unexpended balance shall not revert to the General Fund but shall be carried over to the next fiscal year.

Mr. Creasy offered the following amendment to said bill, viz.:

Amend H. B. 147 on page 2, sec. 2 line 1 by striking the words "It is the intention of this Act to" and inserting in lieu thereof the words "This Act shall"

Said amendment was agreed to.

Mr. Hammons offered the following amendment to said bill, viz.:

Amend H. B. 147 on page 2, sec. 4 line 18 by inserting, after the word "disposal" in line 18 the following:

"In lieu of acquiring a tract of land on which to erect a sanatorium in any district, the commission may, with the approval of the Governor, acquire by gift, purchase or otherwise any existing hospital, institution or colony in such district that is adaptable for sanatorium purposes and that has adequate water and utility services, municipal or otherwise, available."

Said amendment was agreed to.

Mr. Anderson offered the following amendment to said bill, viz.:

Amend H. B. 147 on page 5, sec. 9 line 30 by adding, after line 30, the following:

"(6) The board of commissioners of each sanatorium shall receive and provide adequate facilities for the treatment of paying and pauper patients of the Negro race who are residents of the district."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

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Resolved that the title thereof be as aforesaid.

Mr. Biggers moved that the vote by which said bill was passed, be reconsidered and said motion lie on the table.

Said last named motion was agreed to.

Without objection the following bills were introduced, viz.:

By Mr. Dorman.

H. B. 289. An Act relating to railroad property.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.400 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Any person, other than an employee of the railroad company, in the usual and necessary discharge of his duty, who tampers with a railroad car or locomotive, or who shall take or remove the waste or packing from any journal box of any railroad car or locomotive, or who disconnects or disables the air hose, or turns or disables the anglecock connecting the air line on any train or car, or uncouples any train shall upon conviction be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than one nor more than six months, or both.

By Mr. Hughes.

H. B. 290. An Act imposing a tax on production of natural gas.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) Every person producing natural gas in this state shall annually pay a license tax for state purposes equal to one-half of one per cent of the market value of all natural gas so produced.

(2) Any county may impose a license tax for road, school or county purposes of not more than one per cent of the market value of all natural gas produced in the county. The fiscal court may levy this tax for county purposes, and shall determine what funds shall receive the tax when collected. When natural gas is produced in any separate taxing district in a county, the fiscal court shall equitably distribute the tax collections between the county and the taxing district.

(3) Natural gas shall be deemed to have been produced, for the purposes of this Act, when it leaves, in pipe lines, the premises on which the well is located, and the person who causes the gas to leave the premises in pipe lines shall be deemed to be the producer.

§ 2. Every person producing natural gas in this state shall make a verified report to the Department of Revenue, by the twentieth day of the month succeeding each month in which natural gas is produced, showing the quantity so produced from each county in this state and the market value of the gas on the first business day after the tenth day of the month in which the report is made. The report shall show any sales, in bulk, of natural gas so produced, the quantity of gas in each sale, the date of each sale, and the market price of the gas on each date of sale in bulk for the preceding month.

This report shall be made on blanks furnished and prescribed by the Department of Revenue. The department may require additional reports from time to time, on blanks prepared by it, from all producers of natural gas.

§ 3. Every producer of natural gas shall register in the office of the county clerk of each county in which gas is produced by him, in a book which the Department of Revenue shall provide, showing the name, residence and place of business of the producer. The county clerk shall immediately certify to the department a copy of each registration as made.

§ 4. Any county imposing a tax under section 1 of this Act shall immediately after the levy of the tax give notice thereof to each producer of natural gas registered in the county. The producer shall pay the county tax to the sheriff at the same time he pays the state tax to the Department of Revenue. Each county imposing the tax shall, upon the fixing of the levy, certify the same to the department, which shall make the assessment for the county tax in the same manner and at the same value as provided for the state tax, which shall be certified to the county for collection.

§ 5. (1) When the Department of Revenue has received the reports provided for by section 2 of this Act, it shall, upon such reports and such other information as it may secure, assess the value of all grades of natural gas reported for each month. The assessment shall take into consideration the market value at the place of production.

(2) The department shall, by the last day of the month in which the reports are required to be made, notify each producer of his assessment, and certify the assessment to the county clerk of each county that has reported the levy of a county tax under section 4 of this Act. The county clerk shall immediately deliver a copy thereof to the sheriff for col-

lection of the county tax. The producer shall have until the twentieth day of the month following notice in which to be heard by the Kentucky Tax Commission on any objection to the assessment. The assessment shall become final on the twentieth day of the month and the state and county tax shall be due and payable on that day. Any person who fails to pay the tax at the time it is due shall pay a penalty equal to twenty per cent of the amount of tax due, together with interest at the rate of six per cent per annum on both the original tax and the penalty.

§ 6. Any person required to register, make reports, or pay taxes under the provisions of this Act who fails to pay taxes, penalty and interest after becoming delinquent, or fails for thirty days after the required date to make a report or register, shall be fined fifty dollars for each day of such failure. A false report shall be deemed a failure to report.

By Messrs. Blevins and Spencer.

H. B. 291. An Act relating to bonds of parties to actions involving timbered land.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Neither of the parties to an action involving the title to land shall cut, remove or in any other way interfere with the timber on the land, until he has given bond, with a corporate surety authorized by law to do business in this state as surety, conditioned upon the payment of any damages the successful party may sustain by reason of interference with the timber. The bond, both as to amount and qualifications of the surety thereon, shall be approved by the judge

of the court in which the action is pending. The judge shall, at any time sufficient cause therefor is shown, increase the sum of the bond, or require other or additional sureties.

§ 2. Any person violating the provisions of section one of this Act shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

By Mr. Hammons.

H. B. 292. An Act to amend KRS 1942, relating to Legislative Council.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 7.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Legislative Council shall consist of eight Senators and eight Representatives. The eight Senators shall be appointed by the Lieutenant Governor, and the eight Representatives shall be appointed by the Speaker of the House of Representatives, at each regular session of the General Assembly. The Majority and Minority Floor Leaders in the Senate shall each submit a list of ten names to the Lieutenant Governor, and the Majority and Minority Floor Leaders in the House shall each submit a list of ten names to the Speaker of the House, and the members of the Council shall be appointed from said lists. The lists shall be submitted at least ten days before the close of the regular session of the General Assembly. The Lieutenant Governor shall be Ex-Officio Member and Chairman of the Legislative Council, and the Speaker of the House of Representatives shall be Ex-Officio Member and Vice-Chairman. The party representation of

the Council shall be in proportion generally to the relative members of the different political parties in each house of the General Assembly; but in no event shall the majority party be represented by more than five-eights of the members appointed from the House of Representatives, and by more than five eights of the members appointed by the Senate.

(2) The appointed members shall hold office until the next regular session of the regular Assembly, or until their successors are appointed, except that if any House or Senate member appointed by the Council is not re-elected to their branch of the General Assembly, his term of office shall automatically end on the 15th day of November succeeding his election. The Lieutenant Governor and Speaker of the House shall continue to be Ex-Officio members of the Council until their successors are elected and qualified.

Section 2. Section 7.030 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

A vacancy of the House appointees may be filled by the Speaker, and a vacancy of the Senate appointees may be filled by the Lieutenant Governor, whether or not the General Assembly is in session and without confirmation by either House. Vacancies arising by reason of a member of the Council not being re-elected as provided in Sub-section (2) Kentucky Revised Statutes, 7.020, shall be filled from the list of those persons who will constitute the membership of the respective Houses of the General Assembly at its next regular session, whether such persons are newly elected, re-elected, or holdover members. In filling vacancies, the party representation required by KRS 7.020 shall be maintained.

Section 3. Section 7.060 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Each officer, board, commission or department of the State government, including the University of Kentucky and the State Colleges, and each officer, board, commission, or department of any local government shall make such studies for the Council as it may require and as can be made within the limits of its appropriation in the preparation of a program of legislation or in regard to any matters of state-wide public importance within the jurisdiction of the Legislative Branch.

By Mr. Howell.

H. B. 293. An Act relating to furnishing the Acts and Journal to State Teachers Colleges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 57.300 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The following officers and libraries are entitled free of charge to copies of the Acts of the General Assembly, as they are published: Members of the General Assembly that passed the Acts, the State Treasurer, Secretary of State, circuit judges, Commonwealth's attorneys, county attorneys, sheriffs, circuit clerks, county clerks, county judges and justices of the peace, one copy each; the Attorney-General, four copies; the Governor and the Auditor of Public Accounts, two copies each; the State Librarian, for the use of the Senate, ten copies, and for the use of the House of Representatives, thirty copies; the judge of each Federal court for Kentucky, one copy; the United States Circuit Court of Appeals at Cincinnati, one copy; the Supreme Court of the United

States, three copies; the governor of each of the other states and the Secretary of State for the United States, two copies each; the law library of each county, one copy; the Law Library of the University of Kentucky, three copies; the Law Library of the University of Louisville, two copies; the Library of the Kentucky State College for Negroes, three copies; the Library of Congress, seven copies; the Kentucky Historical Society, two copies; and each of the state teachers colleges in Kentucky, two copies.

§ 2. Section 57.310 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The following officers and libraries are entitled free of charge to copies of the journals of each house of the General Assembly, as they are published: Each member of the General Assembly, one copy for the session in which he served; county clerks and circuit clerks, one copy each; the Governor and Secretary of State, two copies each; the State Librarian, five copies for the use of the Senate and ten copies for the use of the House of Representatives; the Law Library of the University of Kentucky, the Law Library of the University of Louisville, the Library of the Kentucky State College for Negroes, the Library of Congress, and the Kentucky Historical Society, two copies each; and each of the state teachers colleges in Kentucky, three copies.

By Messrs. Arrowood and Harry Moore.

H. B. 294. An Act relating to compensation of Circuit Clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 64.020 is amended to read as follows:

(1) Circuit clerks shall be paid out of the State Treasury for the following services the following fees:

Certified list of grand or petit jurors to the sheriff or other officer	$0.25
Filing same when returned by sheriff, and writing names of jurors on slips of paper	.25
Order excusing juror, for each juror excused, except regular panel	.25
Noting names of standing jurors on order book	.25
Order for sheriff or other officer to summon other jurors, each order	.10
Noting on order book the allowance to grand or petit jurors, each	.02
Order appointing and swearing jury commissioners	.25
Furnishing to jury commissioners names of persons exempted from service	.25
Recording receipt of envelope of sealed return of jury commissioner, and the oath of clerk and deputy	.25
In Commonwealth cases, in addition to other fees, ten per cent of all fines and forfeitures recovered in their respective courts and paid into the State Treasury	
In inquests on persons alleged to be feeble-minded, lunatics or pauper idiots	5.00

By Mr. Nunn.

H. B. 295. An Act relating to compensation of county jailors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding	$2.00
Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.00
Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons	.50
Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	1.00
Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	1.00
Imprisoning and releasing a prisoner charged with a misdemeanor	.60

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt $0.60
Keeping and dieting a prisoner charged with a felony or contempt, per day 1.25
Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons ..... .50
Each day's attendance upon the circuit court 2.00
Furnishing fuel, light and water to the circuit court, not exceeding, per day 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

By Mr. Call.

H. B. 296. An Act relating to Workmen's Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 342.070 of the Kentucky Revised Statute is amended to read as follows:

If death results within two years from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employee reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $150.00, and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, the

further sum of $100.00 payment to be made to the personal representative of the deceased employee.

(2) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, and in addition to the further sum of $100.00 to the personal representative of the deceased employee, a sum equal to fifty per cent of the compensation to which the dependents would be entitled had there been dependents but in no event to exceed $2,400.00, which shall be paid in a lump sum within sixty (60) days, into a Special Fund, of which the State Treasurer shall be Exofficio Custodian, said special fund to be held and disbursed for the purpose hereinafter stated in subsection (3) of Section 342.095 of the Kentucky Revised Statutes, either upon the order of Workmen's Compensation Board or a competent Court. Said Special Fund shall be deposited the same as other State funds and any interest accruing thereon shall be added thereto every six months. It shall be subject to audit the same as other state funds and accounts and shall be protected by the general bond given by the State Treasurer. It shall be considered appropriated for the purpose of disbursements as provided in subsection (3) of Section 342.095 of the Kentucky Revised Statutes, and shall be paid out and disbursed as therein provided, and shall not at any time be appropriated or diverted to any other use or purpose. Whenever any sum is paid into said fund and subsequently it develops that compensation is payable under subsections (3), (4), (5) or (6) of this Section, the Workmen's Compensation Board shall order the refund of any sum paid into said fund, and the State Treasurer, as Custodian of said fund, shall immediately refund the sum paid to him in accord with the order of the Workmen's Compensation Board, upon receipt by him of a copy of said Order. At the end of each fiscal year when said Special Fund exceeds $25,000.00 all money in excess thereof shall be transferred into the Maintenance Fund of said Workmen's Compensation Board.

(3) If there are one or more wholly dependent persons 65 per cent of the average weekly earnings of the deceased employee but not to exceed $12.00 nor less than $5.00 per week shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employee, or until the intervening termination of dependency, but in no case to exceed the maximum of $4,800.00.

(4) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employee is proportionate to total dependency and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employee, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $4,800.00.

(b) Partial dependency shall be determined by the proportion of the earnings of the employe which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the Board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(5) All relations of dependency referred to in this section shall mean dependency existing at the time of accident to the employe.

(6) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

§ 2. Section 342.071 of the Kentucky Revised Statutes is created to read as follows:

For the purpose of initially creating the special fund referred to in subsection (2) of Section 342.070 of the Kentucky Revised Statutes, $25,000.00 shall be transferred, immediately upon the passage of this Act, from the Maintenance Fund of the Workmen's Compensation Board, provided for in Section 342.480 of the Kentucky Revised Statutes, into the hands of the State Treasurer, as Custodian of said Special Fund as herein provided. Upon said Fund reaching a sum of $50,000.00, the original $25,000.00 shall be transferred back into the Maintenance Fund.

§ 3. Section 342.095 of the Kentucky Revised Statute is amended to read as follows:

1. When the injury causes total disability for work, the employer, during such disability, except for the first seven (7) days thereof shall pay the employe a weekly compensation equal to 65 per cent of his average weekly earnings, not to exceed $15.00 nor less than $5.00 per week, such payments to be made during the period of total disability but not longer than 10 years after the date of the injury, nor in any case to exceed a maximum of $7,500.00. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of 10 years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $7,500.00.

(2) In case of the following injuries, the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet, at or above the ankle.

(c) The loss of both hands, at or above the wrist.

(d) A similar loss of one hand and one foot, or the similar total permanent loss of sight of one eye and one hand, or the total permanent loss of sight of one eye and one foot.

(e) An injury to the spine resulting in permanent and total paralysis of both arms or both legs, or of one arm and one leg.

(f) An injury to the skull resulting in incurable insanity or imbecility.

(3) When an employee has previously incurred the loss of the total permanent sight of one eye, the loss of one foot at or above the ankle, or the loss of one hand at or above the wrist, and in a subsequent, independent accident loses another hand, at or above the wrist, or loses another foot, at or above the ankle, or suffers total permanent loss of sight of another eye, or suffers the permanent and complete loss of use of another one of said members, the employer for whom the injured employee is working at the time of said subsequent loss, shall be liable to pay compensation, only for the total permanent loss of sight of one eye, or the loss of one foot, or the loss of one hand, which is occasioned by said subsequent injury.

If the employee who had previously incurred the total and permanent loss of sight of one eye, or the loss of one foot at or above the ankle, or the loss of one hand at or above the wrist, incurs permanent and complete loss of sight of one eye, or loss of one hand, or loss of one foot, he shall receive in addition to the compensation payable by the employer, and after said payments have ceased, an amount from the Special Fund provided for in subsection (2), of Section 342.070

of the Kentucky Revised Statutes which together with the compensation payable from the employer, in whose employ he was when the subsequent injury was incurred, will equal the amount payable for permanent total disability, as provided in subsection (1) of this section.

The Custodian of said Special Fund, provided for in subsection (2) of Section 342.070, shall be joined with the employer, as a party defendant, in the Application for Adjustment of Claims. Said Application for adjustment of claims shall state briefly and in general terms the approximate time, place, and manner of the loss of the first member. The Workmen's Compensation Board shall mail a copy of said Application to the Custodian of said Special Fund, and shall mail to said Custodian all notices of hearings that are mailed to the employer and employee. In its award, the Workmen's Compensation Board shall specifically find the amount the injured employee shall be weekly paid, the number of weeks compensation which shall be paid by the employer, the date upon which payment shall begin out of the Special Fund provided for, the length of time said weekly payments shall continue, the day upon which special payments shall commence, and the weekly amounts of said payment. A copy of said award shall be, by the Workmen's Compensation Board, sent to the Custodian of said funds, when the award is made.

It shall be the duty of said custodian, thirty (30) days after the date upon which payments out of the fund shall be commenced, as provided in said award, and every month thereafter, to mail to the said injured employee, a draft or check, payable out of said Special Fund, for all compensation accrued to that date, at the rate fixed in said award. Said check or draft, on the back thereof, shall designate the style, and docket number of the cause, and the period of time for which it pays, and shall be accompanied by a duplicate receipt, on a form to be supplied by the Workmen's Compensa-

tion Board. Each receipt shall be executed in duplicate by the injured employee, and returned to the Custodian, who shall retain one copy thereof, and shall mail one copy to the Workmen's Compensation Board.

(4) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

By Messrs. Jonas and Spencer.

H. B. 297. An Act pertaining to Child Labor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Limitation on employment of children. No person shall employ or permit any child under sixteen years of age to work in any gainful occupation or service at any time until such person has secured and placed on file in his establishment a work permit for the child as provided in Section 3.

2. To whom work permits may be issued. Any board of education through its superintendent or other authorized agent may issue work permits to children under sixteen years of age, except in prohibited occupations as provided in Section 10 and prohibited occupations in establishments subject to the provisions of the Federal Law, as follows:

a. A work permit may, when the issuing officer is convinced that the need is sufficient, be issued to a child who is under the age of sixteen years but who has passed his fifteenth birthday who has completed the seventh grade of public school course or an equivalent course.

b. A work permit may, when the issuing officer is convinced that the need is sufficient, be issued to a child who is under the age of sixteen years but who has passed his fourteenth birthday who holds a certificate of completion of an eight-year elementary school course or an equivalent course.

c. A work permit may, when the issuing officer is convinced that the need is sufficient, be issued to a child between 14 and 16 years for employment, during school vacation time, on holidays and before and after school in accordance with Sections 1 and 2 without consideration of educational qualifications, provided however that work permits issued for work during regular school term under this subsection shall be revoked if the child's school grades are less than 75 per cent of perfect grades, and it shall be the duty of the school principal to notify the issuing officer so that same may be revoked in accordance with Section 6(c); notice of such revocation shall be furnished to the Commissioner of Industrial Relations by the Issuing Officer in accordance with Section 8.

d. A work permit may, when the issuing officer is convinced that the need is sufficient, be issued to a male between the ages of 12 and 14 years for employment during school vacation time, on holidays and before and after school, in accordance with Sections 1 and 2, to deliver and sell newspapers, magazines, periodicals and to deliver merchandise in communities outside of cities of the first, second and third class. The provisions of subsection c of Section 2 shall be observed in the issuance of work permits under this subsection and shall be subject to revocation in accordance with subsection c of Section 6.

e. Educational qualifications listed in Section 2 may be set aside in specific cases where evidence has been presented under oath to the Board of Education or authorized agent in the district where the child resides to sufficiently convince

said Board and the Superintendent of Public Instruction and the Commissioner of Industrial Relations jointly that it is useless for the child to continue in school and would be better off employed in an occupation not prohibited by State or Federal laws. A unanimous decision is required by the latter-mentioned State officers before a work permit may be issued and approved.

f. No child under 14 years of age shall be gainfully employed or permitted to work in any occupation whatsoever, or furnished merchandise to sell or deliver except in accordance with subsection (e) of Section 2 and work at the home of his parents, guardian, or persons having control or custody of the child.

g. No child under 14 years of age shall be employed or permitted to work in any occupation or service whatsoever during any of the hours when the public schools of the school district in which the child resides are in session.

3. Procedure to obtain Work Permits.

a. No work permits may be issued to any child until he, accompanied by his parent, guardian, or the persons having control or custody of him, appears in person before the proper officer of the board and makes application for it.

b. No work permit shall be issued until the issuing officer has examined, approved and recorded the following duly executed papers:

(1) A copy of the school record of the child, giving age, grade and attendance for the current term, signed by the principal or teacher.

(2) Evidence of age, such as a certificate of birth, or school record of enrollment, or a baptismal record duly at-

tested, or a passport, or affidavit of the parent, guardian or custodian of the child, sufficient to convince the issuing authority that the child has attained the age required by law.

(3) A written statement of the prospective employer that work is waiting for the child, with a description of the nature of the work.

(4) A certificate signed by a regularly licensed physician or public health officer stating that the child has been thoroughly examined by him and that, in his opinion, he is physically fit to pursue the work specified. No fee shall be charged for this examination certificate.

c. The parent, guardian, or custodian accompanying the child shall make oath that his statements setting out the name, address, birthplace and age of the child, as entered upon the application for the work permit, are true to the best of his knowledge and belief.

d. The officer authorized to issue work permits shall administer oaths required by this section but no fee shall be charged for administering oaths or for issuing the permit.

e. No work permit shall be issued or used in violation of Federal Child Labor Laws.

4. School requirements for holders of Work Permits. A child permitted to withdraw from school by the issuance of a work permit shall return to school within five days after the termination of the employment for which the work permit was issued or, if school is not then in session, upon the beginning of the next school session, unless he has reached the age of 16.

5. Age certificates. A certificate of age may be issued, by any officer authorized to issue work permits, to any child

upon presentation of the evidence of age required for a work permit.

6. Inspection and Cancellation of Permits.

a. All work permits and certificates of age and health provided for in this section shall be issued on forms provided by the State Board of Education.

b. Work permits and age certificates shall be open to inspection by attendance or probation officers, and by representatives of the Department of Industrial Relations and the State Department of Education.

c. Any work permit or age certificate shall be subject to cancellation at any time by the Superintendent of Public Instruction, the Commissioner of Industrial Relations or the officer issuing it whenever any such officer finds that the conditions for its legal issuance or continuance do not exist.

7. Employers responsibility.

a. Every person employing children under 21 years of age shall keep a current record containing the names, ages, and addresses of such employees, amount of wages paid each pay period and hours of employment for each day and each week, and shall keep on file during the term for which issued all work permits and certificates of age required by this section for minors. These records and files shall be open at all times to the inspection of school attendance and probation officers, and representatives of the Department of Industrial Relations and the State Department of Education.

b. Within five days after the termination of work permits, notification shall be sent by the employer to the board of education of the district which authorized the permit. This

notification shall contain the latest correct address of the child known to the employer.

c. No employer shall be prosecuted for employing a child at an age prohibited by this chapter, if the employer at the time of employing the child, in good faith, procured a work permit or certificate of age, showing the child to be of an age not prohibited for the employment, and has kept the permit or certificate on file and in good faith relied upon it.

8. School Superintendent's Reports; Revocation of Permits.

a. The Superintendent of schools in each school district shall, between the first and tenth days of each month, send to the Department of Industrial Relations a duplicate copy of each work permit or age certificate issued during the previous month.

b. If a representative of the Department of Industrial Relations finds that the age of any child as given on a work permit or age certificate is incorrect or that the time record is not kept in accordance with this chapter, he shall notify the child, the employer and the issuing officer that the permit is suspended and indicate the suspension on the permit or certificate. The representative suspending the permit or certificate shall forward a statement of the facts for which the suspension was made to the Commissioner of Industrial Relations who will either revoke the permit or certificate or veto the suspension. Due notice shall be sent to the child's parent, guardian or custodian, to the employer, and to the issuing officer of the action taken in regard to a suspended permit or certificate. If the suspension is vetoed a new permit or certificate shall be issued upon the surrender of the one suspended.

9. Maximum Hours. No person under sixteen years of age shall be permitted to be employed or work at any occupation or service whatsoever for more than six days in any one week, or more than forty-eight hours in any one week, or more than ten hours in any one day, or before five o'clock in the morning or after nine o'clock in the evening of any day. The presence of any such child during working hours shall be prima facie evidence of his employment there.

10. Prohibited Occupations. No child under 16 years of age shall be employed or permitted to: (1) Operate or assist in the operation of or work as a helper on any machinery of any kind (power-driven or otherwise), except the operation or servicing office equipment such as typewriters, adding machines, calculators, etc.; (2) operate a motor vehicle or work as a helper on same; (3) work in proximity to any hazardous or unguarded belts, machinery or gearing; (4) work upon any railroad whether steam, electric or hydraulic; (5) work in any capacity in processes in which dangerous or poisonous acids or gases are used; (6) work in the manufacturing or packing of paints, colors of white or red lead; (7) work at soldering or welding; (8) work in occupations causing dust in injurious quantities; (9) work in the manufacture or use of dangerous or poisonous dyes; (10) operate or assist in operation of any freight or passenger elevator; (11) work in the manufacture or use of compositions of lye; (12) work in any tunnel or excavation; (13) work on scaffolding; (14) work in any capacity in, about or in connection with any mine, coke oven or quarry; (15) work in assorting, manufacturing or packing tobacco; (16) work in any pool or billiard room; (17) work in any distillery, brewery, or other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; (18) work in any establishment except drug stores, where intoxicating liquors, except beer or ale, are sold or dispensed; (19) work in any other occupation dangerous to the life or limb or injurious to the health or morals of the

child, and as to these matters the decision of the county physician or city health officer or Commissioner of Industrial Relations or his representative shall be final.

11. Machinery Instruction Allowed at Schools. Nothing in this chapter shall prevent the use of suitable machinery for instruction in schools where the mechanical arts are taught in connection with and as part of the usual school curriculum. The use of such machinery for instruction in any public or private school shall be subject to the approval of the board of education of the district where the school is situated, and shall be subject to the provisions of this chapter and other State laws pertaining to supplying safeguards for the protection of those using such machinery.

12. Safeguards on Machinery for Employees under 21. In any manufacturing establishment where any person under twenty-one years of age is employed, the owner, his agent, superintendent or person in charge shall furnish and maintain where practicable, belt shifters or other safe mechanical contrivances to throw belts on or off pulleys. Whenever practicable, machinery therein shall be provided with loose belts. All vats, pans, saws, planes, cogs, gearing, belting, set screws, and machinery shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to any such applicance or machinery, while in use, except to make immediate repairs. All such safeguards shall be promptly replaced.

13. No minor female under 16 years of age shall be employed or permitted to work at any occupation that compels her to remain standing constantly.

14. Regulations for Street Occupations.

a. No child under fourteen shall be employed or permitted to work at any time in any city of the first, second or

third class in or in connection with the street occupations of peddling, bootblacking, the distribution or sale of newspapers, magazines, periodicals or circulars, or in any other occupation pursued in any street or public place.

b. No boy between fourteen and sixteen years of age shall be employed or permitted to work in any city of the first, second or third class in or in connection with the street occupation of peddling, bootblacking, the distribution or sale of magazines, newspapers, periodicals or circulars, or in any other occupation pursued in any street or public place except upon the following conditions:

(1) Boys between fourteen and sixteen may upon obtaining a work permit in accordance with Section 2 be entitled to engage in the trades above-mentioned between 5:00 A. M. and 9:00 P. M. every day, but at no other time. The permit shall be in possession of the recipient while at his work, and shall be renewed annually on the first day of January of each year until he reaches the age of 16 years.

c. The Department of Industrial Relations, school-attendance officers, police officers, and juvenile court probation officers shall enforce this section.

15. Law to be Posted at Places of Work. A copy of this chapter shall be conspicuously placed and kept in each workroom of every establishment employing children under 21 years of age in this State.

16. Enforcement of Chapter.

A. The Department of Mines and Mining shall have jurisdiction over the administration and enforcement of this chapter in all mines; except as otherwise provided, the Department of Industrial Relations shall have exclusive jurisdiction over the administration and enforcement of this Chapter

in all other industries and occupations.

b. School-attendance officers shall report any cases of employment that they find in violation of this chapter to the Department of Industrial Relations.

c. Representatives of the Department of Industrial Relations, the Department of Mines and Mining and school-attendance officers may require that the work permits and age certificates and records required in this chapter be produced for their inspection. Complaints for offense in this chapter, except as otherwise provided, shall be brought by the Department of Industrial Relations.

17. Penalties.

a. Any parent, guardian or custodian of a child who willfully violates Sections 1 or 2 or 14 shall be fined not more than ten dollars and costs for the first offense, and not more than twenty dollars and costs for each subsequent offense. The court trying the case may suspend enforcement of the fine if the child is immediately placed in attendance at a school, and may finally remit the fine if attendance continues regularly for the full school term. School attendance may be proved by an attested certificate of the principal or teacher in charge of the school.

b. Any employer who violates or fails to comply with Sections 1 and 7 shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned for not more than sixty days or both.

c. Any person who issued a work permit in violation of Sections 2 and 3 shall be fined not less than twenty-five dollars nor more than fifty dollars.

d. Any person who knowingly makes any false statement or presents false evidence in or in relation to any age certifi-

cate or work permit or application therefor shall be fined not less than twenty-five dollars nor more than fifty dollars.

e. Any superintendent of schools who fails to comply with subsection (a) of Section 8 shall be fined not less than ten dollars nor more than twenty-five dollars.

f. Any child who works in violation of Sections 1 or 2 or 14 shall be considered delinquent and shall be taken before the county court and disposed of as provided in KRS 199.140.

g. Any person who furnishes merchandise and permits a child to work in violation of Sections 1 or 2 or 14 shall be fined not less than twenty-five dollars and not more than one hundred dollars for each offense.

h. Any employer and any parent, guardian or adult person in care or control of a child who permits a child under sixteen years of age to work in violation of Sections 8 to 14 shall for the first offense be fined not less than twenty-five dollars nor more than fifty dollars; for a second offense, be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for not more than thirty days or both; and for a third or any subsequent offense be fined not less than two hundred dollars or be imprisoned not less than thirty days, or both.

i. Any employer who continues to employ or furnish merchandise to any child in violation of Sections 1 to 15 after being notified in writing of such a violation by a school attendance officer, a representative of the Department of Industrial Relations, or any other authorized officer shall be fined not less than ten dollars nor more than twenty-five dollars for every day that such employment continues.

j. Any person who hinders or delays any officer, authorized to enforce the provisions of this chapter, in the performance of his duties shall be fined not less than fifty dollars nor more than two hundred dollars.

k. A failure to produce to an authorized officer a work permit, or records and files required by this chapter shall be prima facie evidence of the illegal employment of any child whose work permit is not produced or whose name is not listed.

l. All fines imposed by this section after payment of the costs of prosecution and recovery, shall be paid into the treasury of the board of education in the district where the violation occurred and become a part of the school fund of the district.

By Mr. Moser.

H. Res. 31. Resolution establishing a Youth Guidance Commission.

Said resolution is as follows, viz.:

JOINT RESOLUTION of the Senate and House of Representatives providing for the issual of license to Grover Cleveland Bentley of Pikeville, Kentucky, to practice dentistry in this Commonwealth, and authorizing the said Grover Cleveland Bentley of Pikeville, Kentucky, to practice dentistry in this Commonwealth.

WHEREAS, Grover Cleveland Bentley of Pikeville, Kentucky, in a class of sixty in the Louisville College of Dentistry at the June graduation in 1907, and

WHEREAS, Grover Cleveland Bentley took the examination then prescribed by the State Board of Health and passed the examination, and

WHEREAS, a license was not issued to him to practice the profession of dentistry in the state of Kentucky, by reason of one of the professors of the Louisville College of Dentistry refusing to sign his diploma showing his graduation, and

WHEREAS, the said Grover Cleveland Bentley completed the prescribed courses as provided by law for the practice of dentistry in June, 1907, and was then, is now a competent dentist, and

WHEREAS, the said Grover Cleveland Bentley has made application for a commission in the United States Armed Forces as a dentist and has all the necessary qualifications required by the Federal Government for a commission in the Medical Corps as a dentist and will be accepted and will serve in said armed forces as a dentist if and when the proper certificate is issued to him by the State Board of Dental Examiners.

Therefore, be it enacted and resolved by the General Assembly of the Commonwealth of Kentucky:

Section One. That the said Grover Cleveland Bentley of Pikeville, Kentucky, be and he is hereby authorized to practice the profession of dentistry in the state of Kentucky, the same as if he had been duly licensed by the State Board of Health and the examining Board for dentists in the year 1907 after his graduation from the Louisville College of Dentistry, and further that the said Grover Cleveland Bentley be entitled to all the privileges of a regular practicing dentist in this Commonwealth, the same as if he had been duly licensed by the State Board of Health and the Examining Board for Dentists at said time.

Section Two. That the State Board of Dental Examiners be, and it is hereby ordered and directed to issue to the said Grover Cleveland Bentley of Pikeville, Kentucky, a license authorizing him to practice dentistry in the state of Kentucky, pursuant to the terms and conditions of this Act and Resolution, and said license so issued will show that it was issued in conformity with and by the authority of this Resolution.

Ordered that said bills and resolution be printed and referred.

The Speaker announced that he had referred, bills heretofore introduced or reported to this House as follows, viz.:

The following bills have been referred to the following Committees:

House Bill No. 277—Cities of the Second Class

House Bill No. 278—Cities of the Fourth Class

House Bill No. 279—Courts

House Bill No. 280—Education No. 1

House Bill No. 281—Criminal Law

House Bill No. 282—Printing

House Bill No. 283—Kentucky Statutes

House Bill No. 284—Ways and Means

House Bill No. 285—Suffrage and Elections

House Bill No. 286—Agriculture No. 2

House Bill No. 287—Ways and Means

House Bill No. 288—Juvenile Courts and Homes

Senate Bill No. 8—Agriculture No. 2

Senate Bill No. 42—Banks and Banking

Senate Bill No. 85—Military Affairs

Mr. Rhoads asked the consent of the House to be permitted to withdraw a bill which was introduced previously, entitled:

H. B. 283. An Act to repeal the law requiring examination of candidates for the office of county tax commissioner.

And be allowed to offer another bill in its place.

Without objection, said request was granted.

Mr. J. Lee Moore moved that when the House adjourn today, it adjourn out of respect to the memory of Abraham Lincoln.

Said motion was agreed to.

Mr. Hammons moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 14, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House opened with prayer by the Reverend Herman J. Womeldorf of the Southern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Marvin Cornett	R. M. Hall
Henry Arrowood	John Henry Cox	Jas. P. Hallahan
F. H. Bassett, Jr.	John P. Craig	Claude Hammons
W. G. Biggers	Fred Creasey	B. C. Holbrook
Isaac Blevins	Thos. S. Dawson	Benton Howard
Douglas T. Bolling	Adron Doran	Clyde S. Howard
J. C. Bradley	J. R. Dorman	Jerry F. Howell
Jno. W. Burkhart	T. H. Dyer	J. J. Huff
Chas. W. Burnley	Bernie S. Edlin	W. N. Hughes
C. D. Call	Harry W. Ennis	Lee Johnson
Fred Carpenter	Dr. J. C. Gabbard	Paul S. Jonas
Willis Champion	Chas. B. Gentry	Wm. E. Justice
Jno. H. Clarke, Jr.	Franklin Goins	H. Clay Kauffman
A. Roy Copeland	J. D. Gross	M. Kavanaugh

J. T. Linton
Homer E. Losey
A. L. Love
Ed Marcum
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of Thursday's proceedings be dispensed with.

Said motion was agreed to.

Without objection, the privilege of the floor was extended to Mr. Fred Beshear of Dawson Springs, former member of this House.

Mr. Stallard moved that a bill entitled:

H. B. No. 87. An Act relating to public assistance for needy aged, needy blind and dependent children.

Which was reported on February 2 by the Committee on Kentucky Statutes with the expression of opinion that said bill ought not to pass,

Be recommitted to the Committee on Kentucky Statutes.

Said motion was agreed to.

The Speaker announced that he had referred bills heretofore introduced or reported to this House as follows, viz.:

The following bills have been referred to the following Committee:

House Bill No. 289. Railroads

House Bill No. 290. Revenue and Taxation

House Bill No. 291. Kentucky Statutes

House Bill No. 292. Ways and Means

House Bill No. 293. Teachers Colleges

House Bill No. 294. Courts

House Bill No. 295. Courts

House Bill No. 296. Compensation for Industrial Injuries

House Bill No. 297. Immigration and Labor

House Res. No. 32. Juvenile Courts and Home

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 260. An Act relating to State Parks.

H. B. 181. An Act relating to Drainage District.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 255. AN ACT relating to elections of electors of President and Vice President of the United States, of United States Senators, and Representatives in Congress, in time of war, how conducted, declaring who is an absent voter, permitting him to register and vote in all special, general, and primary elections of electors for President and Vice President of the United States, United States Senators, Representatives in Congress, and providing a method therefor, fixing the penalties for a violation thereof, repealing all laws and clauses of laws in conflict therewith, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Right of Absentees to Vote in Time of War.* In time of war every voter of the Commonwealth of Kentucky, who expects in the course of his business or duties to be absent from the county in which is situated his voting precinct or ward on the day of holding any special, general, or primary election, but who is otherwise eligible to register and qualified to vote in any election for electors of President and Vice President of the United States, United States Senators, and Representatives in Congress shall be entitled to vote for such officers in accordance with the provisions of this Act. Provided that such voter shall have registered, pursuant to the registration laws of this state now in force, or in accordance with the provisions of this Act.

Section 2. *Applications for Ballots—Time of Making.* Any absent voter, as defined in the foregoing section, expecting to be absent from the county of his residence on the day of such election, may make an application in writing, at any

time prior to such election, on the form hereinafter prescribed or on the form prescribed by Congress, to the Secretary of State of Kentucky for an absent voter ballot to be voted in such election, and the Secretary of State shall, after making a record of the name and residence of such applicant, transmit such application to the proper registration official of the residence of such voter, with all necessary instructions to said local registration official as to his duties hereunder.

Section 3. *Form of Application—Affidavit.* Applications for such ballot shall be signed and sworn to by the "absent voter" before a civil officer authorized by law to administer an oath, provided that if such "absent voter" is in the military or naval service of the Commonwealth of Kentucky or the United States, or serving in or attached to any branch of said services, he may swear to said application before any commissioned military or naval officer of the Commonwealth of Kentucky or the United States, or any branch of the Armed Forces. Said application shall be substantially in the following form:

"Secretary of State of Kentucky,

Frankfort, Kentucky.

"I, ..., state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of ..... County and have been such for more than six months prior to said date, and am a resident of ..... precinct of said county (or ..... ward of the city of ....., county of .....) at least sixty days prior to said date; that I am a duly qualified voter of said precinct (of said ward); that in the course of my business or duties I expect to be absent from said precinct or ward on the election to be held in said precinct or ward on the ..... day of ....., 19....., and I will not vote elsewhere at said

election. I request that an official ballot be mailed to me at the following address:

.....

(Name and Address)

.....

Voter must sign here, and oath must be administered and attested.

"Subscribed and sworn to before me this..... day of ....., 19.....

.....

(Name and Official Title)

Section 4. *Registration of Absent Voters.* It shall be the duty of such local registration official, upon receipt of said application from the secretary of state to: (a) If the applicant is found to be registered in the proper registration book, the said registration official shall mark the registration record of the applicant "absent voter" and immediately so advise the secretary of state; (b) If the applicant is found by the local registration official not to be registered in the registration record of the voting precinct in which the applicant declares he is a resident, upon determining that the applicant is entitled to register under the laws of the Commonwealth of Kentucky, the said registration official shall register such applicant in the registration records in his office, mark the same "absent voter", and the same shall constitute sufficient registration under the laws of this State. Notice of such registration shall be given the secretary of state.

The local registration official shall prepare a list of the names of all persons who have applied for absentee ballots under federal statute or under this Act, and whose names he has registered on the records of his office as an absentee voter. Such list shall be delivered by the local registration official to the precinct election officers of each precinct at the same time other election paraphernalia is delivered to them on the morn-

ing of the election which shall be posted by the precinct officers in a public place in the voting precinct where it may be inspected by any voter. This list shall be entitled "List of Applicants for Absentee Ballots."

Section 5. *Official Ballots and Booklets.* The Secretary of State shall cause to be prepared and printed an appropriate number of official absentee voters ballots. Such ballots shall provide for voting for electors of President and Vice President of the United States, United States Senators and Representatives in Congress. Such ballots shall be uniform in size and style of type, and the type and paper shall conform generally to that used for the regular official ballots of this State in special, general and primary elections. Such ballots shall be printed in such form as may be appropriate for carrying out the provisions of this Act.

Section 6. *Official Envelopes and Instructions for Voters.* (a) The Secretary of State of Kentucky shall also cause to be prepared and printed an appropriate number of official envelopes for use in connection with such absentee voters ballots. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed in substantially the following form the following:

OFFICIAL ABSENTEE VOTERS BALLOT

Name of Voter .....
Residence (street and number, if any) .....
County of .....
City or Town of.....

On the other side of such envelope shall be printed the following oath:

"I do hereby swear, (or affirm), that I am a citizen of the United States and am now of the age of at least twenty one years or will be on the ..... (here insert the

day of the election), that I will have been an inhabitant of the State of Kentucky for at least one year next preceding this election and for more than six months preceding such election, a resident of the County of ....., and a resident of ..... precinct of said county (or ..... ward of the City of ....., County of .....), at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election; and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the rights of suffrage.

.....

Voter must sign here, and oath must be administered and attested.

"Subscribed and sworn to before me this ..... day of .....

.....

Official Title."

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

(b) The secretary of state shall also cause to be prepared and printed an appropriate number of copies of instructions for absent voters. The secretary of state shall also cause to be prepared and printed an appropriate number

of envelopes for the use of voters in returning official ballots and envelopes to the secretary of state.

Section 7. *Transmission of official Absentee Voters Ballots, Booklets, Envelopes and Instruction.* The secretary of state shall transmit to every absent voter, whose name is furnished to the secretary of state by the local registration official, as soon as practicable after the receipt thereof, an official absentee voter ballot, two envelopes, voting instructions, a booklet containing instructions and explanations as to casting the vote.

Section 8. *Preparation of Ballot by "Absent Voters".* When the "absent voter" receives such ballot and said two envelopes, he shall go before some civil officer authorized by law to administer an oath and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted; he shall then and while in the presence of the officer fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he will enclose it in the inner envelope, then seal said envelope and then enclose it in the return envelope, then seal and write his name across the face of that envelope, and at once mail it to the Secretary of State of Kentucky; provided that if such "absent voter" is in the military or naval service of the Commonwealth of Kentucky or the United States, or attached to or serving with any branch of the Armed Forces, he may do the things herein required to be done instead of before a civil officer, before any commissioned military or naval officer of the Commonwealth of Kentucky or the United States.

Section 9. *Ballots—Custody—Delivery to Election Officers.* When the Secretary of State receives an "absent

voter's'' ballot, he shall at once endorse on the envelopes the day and hour he received the same, and all such ballots received by him before the day on which an election is held at which said ballot is to be voted, shall be transmitted by him with the inner envelope unopened to the election officers of the precinct or ward in which said ''absent voter'' is an elector at the same time the poll books and ballots for such election are delivered to them, and all such ballots received by him on or after such election day, shall be kept by him unopened until thirty days after such election, when the same shall, without being opened, be burned by the clerk in the presence of the judge and sheriff of his county.

Section 10. *Ballots—When and How Voted.* The election officers of any election shall, while the polls are open, examine such ''absent voter's'' ballots as have been delivered to them. If, upon such examination it is found that the inner envelope is regular and in form and condition provided by this Act, and has not been opened but is properly sealed and the affidavit on the face thereof is regular and in the form provided by this Act, the clerk of such election shall read aloud the name of such ''absent voter'' and after so doing, he shall then open the envelope and remove the ballot therefrom without unfolding it, and in such way as not to expose the markings thereon or how the ''absent voter'' has voted. He will then write his name on the back thereof and after so doing, place said ballot in the regular ballot box. The two envelopes shall be preserved by the election officers and treated in the same way as cast ballots, provided that when the name of the ''absent voter'' is read aloud by the clerk, the vote of such ''absent voter'' may be challenged and the challenge thereto may be determined and the vote accepted or rejected by the officers of the election as though the voter were present and voting in person. Provided, however, that if such envelopes and the affidavit on the face of the inner envelope are regular, and substantially comply with the pro-

visions of this Act, they shall be considered as showing that the "absent voter" is prima facie entitled to vote, provided that if the vote of an "absent voter" is rejected, the clerk shall write on the ballot the word "rejected."

Section 11. *Election Returns.* The officers of the election shall, in their election returns state the number of ballots sent to them by the secretary of state absent voters, the number of such ballots voted and the number thereof rejected.

Section 12. *Commissioned Officers Empowered to Administer Oaths and affirmation.* All commissioned military or naval officers of the Commonwealth of Kentucky or the United States are hereby authorized and empowered to administer oaths and affirmations for the purposes specified in this Act; and to every such oath or affirmation administered by them, they shall subscribe their names and their official designations.

Section 13. *False Registration Application—Affidavit —Penalty.* Any person who willfully and knowingly makes a false application for the purpose of registering under the provisions of this Act, or a false affidavit for the purpose of voting under the provisions thereof, when the same is either sworn to or affirmed by him, shall be guilty of a felony, and upon conviction, shall be confined in the penitentiary not less than one nor more than five years.

Section 14. *Failure to Comply with Official Duties—Penalty.* Any registration official or any election officer who shall wilfully refuse or neglect to perform and do any of the duties required by him by this Act, or who shall in any manner willfully violate or abuse any trust or duty imposed on him by this Act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars.

Section 15. *Unlawful Interference with Right of Voter —Penalty.* Any person who shall by threats, bribery, corrupt or arbitrary measure, offer or payment of reward, threat or infliction of punishment, interfere with any qualified voter or elector, in the free exercise of his right to register or vote under the provisions of this Act, shall be guilty of a misdemeanor and upon conviction, be fined not less than one hundred dollars nor more than one thousand dollars.

Section 16. Jurisdiction—Prosecution. Jurisdiction of any prosecution for a violation of any provision of this Act, wherever the violation occurred, whether within or without this State, is hereby vested in the circuit court of the county of the voter's residence.

Section 17. If any section or any provision of this Act shall be held unconstitutional or invalid for any reason, it shall not affect the validity of the Act, as a whole, or any other section or provision thereof.

Section 18. This Act shall be liberally construed.

Section 19. All law or parts of laws in conflict with the provisions of this Act, are hereby repealed.

Section 20. An emergency is hereby declared to exist and this Act shall become effective from its passage and approval by the Governor.

Mr. Quill offered the following amendments to said bill, viz.:

1. Amend H. B. 255 on page 3, section 3, line 19 by striking the words "(of said ward)" and inserting in lieu thereof the words "(or said ward)"

2. Amend H. B. 255 on page 7, section 9, line 2 by adding after the word "shall" at the end of line 2, the following:

"immediately forward the same to the county court clerk of the proper county, who shall"

3. Amend H. B. 255 on page 7, section 10, lines 11 to 14 by striking the sentence beginning with the word "He" in line 11 and so much of the next sentence as ends with the word "ballots," in line 14 and inserting in lieu thereof the following:

"The clerk shall write his name on the back of the ballot and then hand it to one of the judges, who shall write his name on the back of the ballot and then place the ballot in the regular ballot box. The two envelopes shall be preserved by the election officers and treated in the same way as the ballot stubs,"

4. Amend H. B. 255 on page 8, section 11, line 3 by striking the words "secretary of state" and inserting in lieu thereof the words "county court clerk as ballots of"

5. Amend H. B. 255 on page 9, sections 17 and 18, 19 and 20 by striking all of sections 17, 18, 19 and 20 and inserting in lieu thereof the following:

Section 17. Whereas, many of the citizens of this state are now in foreign lands defending our nation, and will be deprived of the right of representation in our government unless provision is made to enable them to cast their votes, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Said amendments were each and severally agreed to.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and said bill having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
J. T. Linton
Homer E. Losey
A. L. Love
Ed Marcum
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
E. A. Spencer
Arthur Stallard

Geo. W. Steinford	H. Thieman, Jr.	Harry F. Walters	
Joe Stewart	Otis C. Thomas	R. E. West	
Thos. M. Swope	E. B. Thompson	Taylor Witt	
C. W. Taylor	John L. Trumbo		
Egbert V. Taylor	S. J. Wagner		—88

Those who voted in the nagative were—

J. J. Huff	Robt. J. Spaulding	—2

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 35. An Act appropriating money for the operation and maintenance of the State government.

Mr. Egbert Taylor moved that said bill be made a Special Order of the Day, for Thursday, February 17 at two-thirty o'clock P. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 95. An Act prohibiting the removal by the Governor of any officer appointed by him during said officer's term except for cause.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That no person appointed to an office by the Governor shall be removed therefrom by the Governor during the term for which he was appointed unless for failing to discharge, or for neglect in the performance of the duties of his office, and any person removed for such cause shall be notified in writing of the cause of removal.

Section 63.080 Kentucky Revised Statutes and all other laws in conflict herewith are hereby repealed.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Losey moved that said bill be laid on the table.

Without objection, said motion was withdrawn by Mr. Losey.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only, and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	A. Roy Copeland	Benton Howard
J. C. Bradley	John Henry Cox	Clyde S. Howard
Chas. W. Burnley	Fred Creasey	Jerry F. Howell
C. D. Call	Adron Doran	Paul S. Jonas
Fred Carpenter	Franklin Goins	M. Kavanaugh
Jno. H. Clarke, Jr.	R. M. Hall	J. T. Linton

Chester Peterson	Leon J. Shaikun	S. J. Wagner
Edw. P. Prichard	Faust Y. Simpson	Harry F. Walters
L. Allen Rhoads	Geo. W. Steinford	Speaker Harry
Amos Runyon	Roy L. Taylor	Lee Waterfield

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Those who voted in the negative were—

Chas. W. Anderson	Lee Johnson	James E. Quill
Henry Arrowood	Wm. E. Justice	C. R. Reeves
W. G. Biggers	H. Clay Kauffman	Wade H. Riley
Isaac Blevins	Homer E. Losey	Carl Scheben
Douglas T. Bolling	A. L. Love	F. W. Schuhmann
Willis Champion	Ed Marcum	Jno. W. Simmons
Marvin Cornett	Johnston Miller	George T. Smith
John P. Craig	Harry L. Moore	Robt. J. Spaulding
Thos. S. Dawson	Herbert V. Moore	E. A. Spencer
J. R. Dorman	J. Lee Moore	Arthur Stallard
T. H. Dyer	W. B. Moser	Joe Stewart
Bernie S. Edlin	C. Sid Nabb	Thos. M. Swope
Harry W. Ennis	Coy C. Nevitt	C. W. Taylor
Dr. J. C. Gabbard	Jno. C. Newcomb	Egbert V. Taylor
Chas. B. Gentry	Joe E. Nunn	H. Thieman, Jr.
J. D. Gross	Albert W. Pfeiffer	Otis C. Thomas
Jas. P. Hallahan	Sylvester Phillips	E. B. Thompson
Claude Hammons	James T. Philpott	John L. Trumbo
B. C. Holbrook	J. Gip Prather	R. E. West
J. J. Huff	L. W. Preston	Taylor Witt
W. N. Hughes	Kleber F. Price	

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Mr. Bolling moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in that body entitled:

S. B. 84. An Act consenting to the establishment of independent school district on Ft. Knox Military Reservation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That, for the purpose of this Act only, the Fort Knox Military Reservation, by and with the consent of the War Department of the United States, be and the same is hereby set apart, established and created a separate school district, to be designated and known as the "Fort Knox Independent School District."

Section 2. That the Commanding Officer of the Fort Knox Military Reservation, is hereby authorized and empowered to establish, maintain and conduct, a grade and high school for the said Fort Knox Military Reservation.

Section 3. That whereas, with the advent of war in 1941, the population of Fort Knox increased until there are at the time of this enactment, more than five hundred children within grade and high school age living on the Fort Knox Military Reservation, and whereas there is no State or Federal law providing for the education of said children, and whereas there is no adjacent school district within practical reach of said children which has adequate housing or instructional facilities for the education of said children, and whereas construction of further facilities for such purpose, in view of construction priorities, would in current time be impossible, and with view to normal times, impracticable and uneconomical, and whereas to meet the emergency and to the relief of the said school districts adjacent to said Reservation, by agreement with the proper officials of the State of Kentucky, for the purpose of obtaining revenue to establish, maintain and conduct a grade and high school on said Reservation, the Commanding Officer of said Fort Knox Military Reservation

has been authorized to issue to residents of said Military Reservation an operator's license for privately owned motor vehicles and to issue to resident owners of privately owned motor vehicles license plates for such vehicles, said license plates containing the number of the plate, the year in which issued, the word "Kentucky" and the words "Fort Knox," said agreement as herein described is hereby ratified and confirmed and the State of Kentucky hereby consents that said agreement shall continue in effect until formally abrogated, and all motor vehicle license plates and all motor vehicle operator's licenses issued by the Commanding Officer of the said Fort Knox Military Reservation pursuant to said agreement, shall be treated and considered as lawful operator's licenses and lawful motor vehicle license plates of the State of Kentucky and shall entitle the holders thereof to the same rights and privileges as those operator's licenses and motor vehicle license plates issued by the various counties of the State of Kentucky.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. An emergency is declared to exist and this Act shall go into effect as soon as same is approved by the Governor.

Ordered that said bill be printed and referred.

And that they had passed bills which originated in this House, of the following titles, viz.:

H. B. 8. An Act relating to the operation of school buses and other motor vehicles.

H. B. 171. An Act to appropriate funds for administration of the community school lunch program.

H. B. 188. An Act relating to public education.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 219. An Act relating to fish and game.

Mr. Quill moved that said bill be recommitted to the Committee on Fish and Game for the purpose of holding a hearing on said bill.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 222. An Act relating to police for cities of the fourth class.

With Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 95.710 of the Kentucky Revised Statutes is amended to read as follows:

(1) To be eligible for appointment as a member of the police force of a city of the fourth class a person must be a citizen of the state, a resident of the county for at least six months, at least twenty-four years of age, able to read and write the English language intelligently, and sober, moral and sagacious. No person who has been convicted of a felony shall be eligible for appointment. After appointment no member shall interfere in any election. If it is possible to secure such

a person, the appointee shall have been a resident of the city for at least six months in addition to the other required qualifications; but should the city legislative body determine a person meeting this added qualification cannot be secured, a residence of six months in the county shall be sufficient.

Said Committee amendments are as follows, viz.:

1. Amend H. B. 222 on page 1, section 1, line 3 by inserting after the word "force" in line 3, the words "or fire department"

2. Amend the title to H. B. 222 by inserting after the word "police" the words "and fire departments"

Amendment No. 1 as proposed by the Committee was then agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Willis Champion	J. R. Dorman
Henry Arrowood	Jno. H. Clarke, Jr.	T. H. Dyer
F. H. Bassett, Jr.	A. Roy Copeland	Bernie S. Edlin
Isaac Blevins	Marvin Cornett	Dr. J. C. Gabbard
Douglas T. Bolling	John Henry Cox	Chas. B. Gentry
Jno. W. Burkhart	John P. Craig	Franklin Goins
Chas. W. Burnley	Fred Creasey	J. D. Gross
C. D. Call	Thos. S. Dawson	R. M. Hall
Fred Carpenter	Adron Doran	Jas. P. Hallahan

Claude Hammons	W. B. Moser	George T. Smith
B. C. Holbrook	Coy C. Nevitt	Robt. J. Spaulding
Benton Howard	Jno. C. Newcomb	E. A. Spencer
Clyde S. Howard	Joe E. Nunn	Arthur Stallard
Jerry F. Howell	H. C. Patterson	Geo. W. Steinford
J. J. Huff	Chester Peterson	Joe Stewart
W. N. Hughes	Albert W. Pfeiffer	Thos. M. Swope
Lee Johnson	Sylvester Phillips	C. W. Taylor
Paul S. Jonas	James T. Philpott	Egbert V. Taylor
Wm. E. Justice	J. Gip Prather	Roy L. Taylor
M. Kavanaugh	L. W. Preston	H. Thieman, Jr.
J. T. Linton	Kleber F. Price	Otis C. Thomas
Homer E. Losey	Edw. P. Prichard	E. B. Thompson
A. L. Love	Amos Runyon	John L. Trumbo
Ed Marcum	Carl Scheben	S. J. Wagner
Johnston Miller	F. W. Schuhmann	Harry F. Walters
Harry L. Moore	Leon J. Shaikun	R. E. West
Herbert V. Moore	Jno. W. Simmons	Taylor Witt
J. Lee Moore	Faust Y. Simpson	—83

The amendment to the title of said bill as proposed by the Committee was then agreed to.

Resolved that the title thereof be as amended.

Mr. Justice moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 179. An Act relating to district detectives for counties having a population of 150,000 or more.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more the Commonwealth's attorney shall appoint four district detectives for a term of four years subject to removal at any time by the Commonwealth's attorney. The district detectives shall each be paid a salary not to exceed $2,800 annually for each detective, paid out of the county levy in equal monthly installments.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more the Commonwealth's attorney shall appoint four district detectives for a term of four years subject to removal at any time by the Commonwealth's attorney. The district detectives shall each be paid a salary of $2,800 annually, paid out of the county levy in equal monthly installments.

§ 2. Whereas the present National Emergency has created a manpower shortage and has materially increased the cost of living, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	B. C. Holbrook	Edw. P. Prichard
Henry Arrowood	Benton Howard	James E. Quill
F. H. Bassett, Jr.	Clyde S. Howard	C. R. Reeves
W. G. Biggers	J. J. Huff	L. Allen Rhoads
Isaac Blevins	W. N. Hughes	Wade H. Riley
Jno. W. Burkhart	Lee Johnson	Amos Runyon
Chas. W. Burnley	Paul S. Jonas	Carl Scheben
C. D. Call	H. Clay Kauffman	F. W. Schuhmann
Fred Carpenter	M. Kavanaugh	Leon J. Shaikun
Willis Champion	J. T. Linton	Jno. W. Simmons
Jno. H. Clarke, Jr.	Homer E. Losey	Faust Y. Simpson
A. Roy Copeland	A. L. Love	George T. Smith
Marvin Cornett	Johnston Miller	Robt. J. Spaulding
John Henry Cox	Harry L. Moore	E. A. Spencer
John P. Craig	Herbert V. Moore	Arthur Stallard
Fred Creasey	J. Lee Moore	Geo. W. Steinford
Thos. S. Dawson	W. B. Moser	Joe Stewart
Adron Doran	C. Sid Nabb	C. W. Taylor
J. R. Dorman	Jno. C. Newcomb	Egbert V. Taylor
T. H. Dyer	Joe E. Nunn	Roy L. Taylor
Bernie S. Edlin	H. C. Patterson	H. Thieman, Jr.
Harry W. Ennis	Chester Peterson	Otis C. Thomas
Dr. J. C. Gabbard	Albert W. Pfeiffer	John L. Trumbo
Chas. B. Gentry	Sylvester Phillips	S. J. Wagner
Franklin Goins	James T. Philpott	Harry F. Walters
R. M. Hall	J. Gip Prather	R. E. West
Jas. P. Hallahan	L. W. Preston	Taylor Witt
Claude Hammons	Kleber F. Price	—83

There voted in the negative—

Ed Marcum —1

Resolved that the title thereof be as amended.

Mr. Shaikun moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Without objection, the following bills were introduced, viz.:

By Mr. Shaikun.

H. B. 298. An Act relating to safety and health of employees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 338.110 of the Kentucky Revised Statutes is amended to read as follows:

Every person employing females shall provide and maintain seats for their use in the room where they work, and shall permit their use by female employes when not necessarily engaged in the active duties for which they are employed. In stores and mercantile establishments at least one seat shall be provided for every three females employed. If the duties of the female employes are principally performed in front of a counter, table, desk or fixture, such seats shall be placed in front of it. If the duties are to be principally performed behind a counter, table, desk or fixture, the seats shall be placed behind it. Seats that fold when not in use shall not be considered a compliance with this section. If, however, the duties require any female in any establishment to remain

standing constantly, then the employer shall allow at least a ten minute rest period every three hours.

By Mr. Justice.

H. B. 299. An Act relating to the department of welfare.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No officer or employe of the Department of Welfare shall intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, any person for the purpose of interfering with the right of such person to vote for, or not to vote for, any candidate for an elective public office of this state.

§ 2. No officer or employe of the Department of Welfare shall use his official authority for the purpose of interfering with, or affecting, the election or nomination of any candidate for any elective public office of this state.

§ 3. No officer or employe of the Department of Welfare shall, directly or indirectly, promise any employment, position, work, compensation, or other benefit, provided for or made possible in whole or in part by any statute of this state, to any person as consideration, favor or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

§ 4. No officer or employe of the Department of Welfare shall deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit provided for or made possible by any statute of this state appropriating funds for public assistance, on account of race, creed, color or any political

activities, support of, or opposition to any candidate or any political party in any election.

§ 5. No officer or employe of the Department of Welfare shall solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person known by him to be entitled to receive compensation, employment or other benefit provided for or made possible by any statute of this state appropriating funds for public assistance.

§ 6. No officer or employe of the Department of Welfare shall, for political purposes, furnish or disclose, or aid or assist in furnishing or disclosing any list of names of persons receiving compensation, employment or benefit provided for or made possible by any statute of this state, appropriating funds for public assistance, to a political candidate, committee or campaign manager, and no person shall receive any such list of names for political purposes.

§ 7. No officer or employe of the Department of Welfare shall use or cause or permit to be used, any part of any appropriation made by this state for public assistance, for the purpose of interfering with, restraining or coercing any individual in the exercise of his right to vote at any election.

§ 8. No officer or employe of the Department of Welfare shall take any active part in political management or political campaigns except that they may vote as they choose or express their opinions on all political subjects and candidates.

§ 9. Any person who violates any of the provisions of this Act shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

By Mr. Hammons.

H. B. 300. An Act providing for the regulation of lawful coin or token operated vending machines.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Definitions:

(1) "Coin Machine" shall mean and include any coin or token-operated vending machine or device, or other coin or token operated machines or devices which as a result of the deposit of a coin or substitute (token) therefor by and through an automatic or mechanical operation issues or vends value received in the form of merchandise, goods, chattels, products, or any service or imparts any information or data of any kind or nature whatsoever, or provides amusement or entertainment in the form of music or otherwise, but it shall not include what are commonly known as cash registers, public pay toilets, or pay telephones.

(2) "Department" shall mean the Department of Revenue.

(3) "Commissioner" shall mean the Commissioner of Revenue.

2. The administration of this Act is hereby vested in the Department of Revenue to be exercised through, by and with the facilities of the Department available and hereinafter authorized.

3. The Commissioner of Revenue may appoint and employ such assistants and other employees as may be necessary for the enforcement of this Act and shall fix their salaries and compensation as provided in KRS 42.110, 42.120, 42.130, 42.140 and 42.150, except as hereinafter provided.

4. The Attorney General of this Commonwealth is hereby authorized to appoint an Assistant Attorney General in addition to the Assistant Attorneys General already au-

thorized by law, who may act in any authorized legal capacity particularly as may be required in the enforcement of this Act. He shall possess at least the qualifications of the sixth Assistant Attorney General, shall have the ordinary powers to discharge the duties of an Assistant Attorney General and shall be paid an annual salary to be fixed by the Attorney General as provided by law of not to exceed four thousand ($4000.00) dollars from the Department of law appropriation.

5. The Department shall have the following powers:

(a) To adopt such rules and regulations as are necessary for the administration of this Act.

(b) To refuse applications for and revoke or cancel for cause any license issued under this Act.

(c) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath, and in connection therewith require the production of any books or papers relative to the inquiry, regardless of whether said witnesses are licensees. The Commissioner may delegate the power provided in this subsection to any employee of the Department. The provisions of the Civil Code of Practice shall, where applicable, apply to subpoenas issued pursuant to this subsection, but such subpoena shall be effective throughout the Commonwealth and shall be enforceable by petition to a court of competent jurisdiction. The Department is hereby authorized to pay witnesses the per diems and mileage provided in KRS 421.010 for witnesses in circuit courts.

(d) To require any of its employees to execute a bond in such penal sum as may be necessary conditioned upon the proper and faithful performance of their duties and the satisfactory accounting of all moneys received and disbursed by such employees. The cost of such bond shall be borne by the Department.

6. It shall be unlawful for any person or lessee of a coin machine to keep, possess, use or exhibit for any gain or operate or permit to be operated or allow to be kept, used, possessed, or operated for gain, or for any purpose, except as hereinafter provided, a coin machine unless a license has first been procured and evidence of payment therefor attached thereto as set forth under the provisions of this Act.

It shall be unlawful for any owner or lessee of any premises, building, or appurtenance thereto, boat, ship, airplane, vehicle, structure, automobile, or any other property or part thereof, to permit the exhibition, possession or use of any said coin machines unless evidence that the license tax imposed in this Act has been paid is affixed thereto. It shall be unlawful to keep, use, possess, or operate for gain any coin machine unless a license shall have been granted and the license tax paid therefor.

7. All licenses issued under this Act shall be obtained and the tax paid as required by this Act on or before January first of each year and all licenses granted shall expire on December thirty-first of each year and shall be renewed for a like period upon payment of the fee and upon compliance with the terms and conditions herein set forth, provided, that any person paying the tax between January first and June thirtieth of each year shall pay a sum equal to the annual license fee and any person paying the tax between July first and December thirty-first shall pay a sum equal to one-half of the annual license fee.

Any person required by the provisions of this Act to pay a license tax who shall fail to pay said tax at the time required herein, shall pay as a part of the tax imposed herein a sum equal to twenty per cent (20%) of the amount of tax due and delinquent and in addition thereto interest at the rate of one half of one per cent (½ of 1%) per month.

8. No license shall be issued hereunder until the applicant has paid the tax provided herein upon each and every

machine owned or proposed to be operated by him based upon the following classification:

(a) For each coin machine costing one cent (1c) to four cents (4c) to operate the fee shall be five dollars ($5.00) per annum.

(b) For each coin machine costing five cents (5c) to nine cents (9c) to operate the fee shall be ten dollars ($10.00) per annum.

(c) For each coin machine costing ten cents (10c) to twenty-four (24c) to operate the fee shall be fifteen dollars ($15.00) per annum.

(d) For each coin machine costing twenty-five cents (25c) or more to operate the fee shall be twenty-five dollars ($25.00) per annum.

If any machine has more than one slot through which a coin may be dropped to operate the machine, the fee shall be based upon the amount of the highest denomination charged plus one dollar ($1.00) for each additional slot, irrespective of the denomination of the coin it is designed to receive.

Payment of the tax herein imposed shall be evidenced by affixing stamps or seals in such manner as the Department may by regulation prescribe and if any person desires stamps or seals for additional coin machines after obtaining his license, he shall make his application therefor in such manner as the Department may by regulation prescribe.

It is hereby provided that any coin machine vending any merchandise for the sale of which a state occupational license is required or which is now required by law to carry a consumers or excise stamp issued by the Department of Revenue of Kentucky shall be exempt from payment of the fees provided herein.

9. No license shall be transferable except under rules and regulations duly adopted by the Department.

10. No owner or lessee thereof shall change the method or operation of any coin machine in any manner after a license shall have been issued therefor until detailed specifications and plans showing such alterations shall have been submitted to the Department and written approval thereof first having been obtained from the Department.

11. Applications for any licenses provided for in this Act shall be made to the Department of Revenue at its offices in Frankfort, Kentucky; shall be in writing on forms furnished by the Department for that purpose, and verified. The application shall in addition to any other information which the Department of Revenue may deem necessary for the effective administration of the tax laws of the Commonwealth, contain the following information:

(a) A full and complete description of the coin machine sought to be licensed including detailed plans and specifications thereof and a statement of the character of the coin, or substitute (token) therefor, used in operating such coin machine.

(b) A description of the character and type of merchandise or service issued or rendered by such coin machine upon the operation thereof.

(c) The residence and the principal business address within and without Kentucky of the owner or lessee of each and every coin machine sought to be licensed.

(d) The number of machines owned or proposed to be operated by the applicant, according to the classification referred to in Section 8 of this Act.

(e) A certified or cashier's check for the amount of the tax due.

At the time of making and filing such application the applicant shall present for inspection, should the Department so require, a sample of such coin machine, a sample of the

merchandise proposed to be vended, or a sample or description of the service to be rendered. A person receiving a license hereunder shall at any time upon request of the Department furnish a complete list of the number and type of all coin machines owned, possessed, leased, or operated by him together with the locations thereof.

12. Licenses for the operation and use of coin vending machines shall be issued and delivered only to a person possessing a good moral character who has never been convicted of a felony and not pardoned and whose license has never been finally revoked.

The decision and findings of the Department of Revenue upon any and all matters of discretion and upon all questions of issuance and revocation of licenses shall be final and conclusive except an appeal may be taken to the Franklin Circuit Court within fifteen days from the action of the Department in refusing to grant a license or in revoking a license or in an order of confiscation of property by filing with the Clerk of the Franklin Circuit Court a petition of appeal, setting out in said petition the errors relied upon, and said petition shall be accompanied by an attested copy of the order of the Department of Revenue refusing to grant or revoking a license, or the confiscating of property. Said appeal shall be tried de novo by the Court.

13. The Department of Revenue and its agents shall have full and complete authority without any order of any court to seize and confiscate any coin or token operated machine or device possessed, leased, used, exhibited, or operated which does not bear evidence of payment of the license tax imposed by this Act or for which no license has been obtained or for which the license has been revoked as provided in this Act. When any coin machine is confiscated or seized by the Department of Revenue or its agents or any other law enforcement officer of this Commonwealth, title to the same shall

vest immediately in the Department of Revenue, subject to appeal as hereinabove provided. If the coin machine which is seized or confiscated be a machine which can be licensed under this Act, it shall be sold under rules and regulations to be adopted by the Department of Revenue and the receipts from such sale shall be deposited as other receipts from this Act are deposited. If the coin machine be a gambling device or machine which cannot be legally licensed under this Act, the same shall be destroyed by the Department after the expiration of the time for appeal.

14. Nothing in this Act shall apply to lawful coin machines when such machines are kept in the regular place of business of the manufacturer or wholesaler for sale only. Nothing herein shall be construed to authorize or legalize such manufacturer, wholesaler, or any other person to operate for gain such lawful coin machines without a license, or to have in their possession or offer for sale gambling devices.

15. Whoever violates any of the provisions of this Act shall, upon conviction thereof, be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), and upon final conviction all licenses held by the licensee so convicted shall be automatically revoked.

Whoever attaches or causes to be attached to a coin machine any fictitious evidence of tax payment purported to be issued by the Department of Revenue, or a counterfeit thereof shall, upon conviction thereof be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) and each separate fictitious counterfeit seal so attached or used on a coin or token operated device shall constitute a separate and distinct offense.

16. All moneys and revenues received under the provisions of this Act shall be covered into the State Treasury as provided by law and credited to the General Fund; pro-

vided, however, there is hereby appropriated to the Department of Revenue such money as the Department of Finance may allot for the administration of this Act and said allotment shall be made from funds received by the Department of Revenue for licenses issued under the provisions of this Act, and the sum of not to exceed four thousand dollars ($4000.00) annually to the Department of Law in addition to any and all appropriations already made to such Departments.

17. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

18. All laws and parts of laws in conflict herewith are hereby repealed.

By Mr. Walters.

H. B. 301. An Act to require the enrichment of bread and flour by the addition of vitamins.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. As used in this Act, unless the context otherwise requires:

(a) The term "flour" includes and shall be limited to the foods defined as (1) flour, white flour, wheat flour, plain flour, (2) bromated flour, (3) self-rising flour, self-rising white flour, self-rising wheat flour, and (4) phosphated flour, phosphated white flour and phosphated wheat flour, in the definitions and standards of identity promulgated by the Federal Security Agency under date of May 26, 1941 (Volume 6, Federal Register, pages 2574 to 2582 inclusive), or as they may be amend-

ed, but does not include special flours not used for bread, roll, bun or biscuit baking, such as specialty cake, pancake and pastry flours.

(b) The term "enriched," as applied to flour, means the addition to flour of the vitamins and other nutritional ingredients necessary to make it conform to the definition and standard of identity of enriched flour, enriched bromated flour, or enriched self-rising flour, as the case may be, as fixed and established by order of the Federal Security Agency on July 1, 1943 (Vol. 8 Federal Register pages 9115-9116) or as the same may be from time to time amended or modified.

(c) The term "bread" includes and shall be limited to the foods commonly known and described as white bread, white rolls and white buns.

(d) The term "Department" means the Department of Health.

SECTION 2. No person shall manufacture, mix, compound, sell or offer for sale in this State, for human consumption, any flour unless the same is enriched. This prohibition shall not apply to flour sold to bakers or other commercial secondary processors if, prior to or simultaneously with delivery, the purchaser furnishes to the seller a certificate of intent in such form as the Department shall by regulation prescribe certifying that such flour will be used only in the production of flour or bread enriched to meet the requirements of this Act or in the manufacture of products other than as stated in the certificate.

SECTION 3. No person shall manufacture, bake, sell or offer for sale, in this State, for human consumption, any bread unless the same contains the vitamins and other ingredients necessary to make it conform to the definition and standard of identity, then in effect, of enriched bread or enriched white bread, as fixed and established by order of the Federal Secur-

ity Agency, or other appropriate federal agency or officer, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act. If, during any period, no such order of any such Federal agency or officer fixing and establishing a definition and standard of identity for enriched bread is in effect, no person during any such period shall manufacture, bake, sell or offer for sale in this State, for human consumption, any bread unless the flour used therein has been enriched, or, to the extent that flour is used therein, there is added, in the mixing of the dough, vitamins and other nutritional ingredients sufficient to enrich the bread to the levels that would have obtained if such flour had been enriched.

SECTION 4. No person shall sell or offer for sale, in this State, for human consumption, any flour or wrapped bread meeting the requirements of Sections 2 and 3 of this Act which fails to conform to the labeling requirements of the Federal Food, Drug and Cosmetic Act, and the regulations promulgated thereunder, with respect to such product when introduced in interstate commerce.

SECTION 5. (a) The Department shall enforce the provisions of this Act, and shall make, amend, or rescind rules, regulations, and orders for the efficient enforcement of this Act.

(b) In the event of a finding by the Department that there is an existing or imminent shortage of any ingredient required by Sections 2 or 3 of this Act, and that because of such shortage the sale and distribution of flour or bread may be substantially impeded by the enforcement of this Act, the Department shall issue an order, to be effective immediately upon issuance, permitting the omission of such ingredient from flour and bread, and, if the Department finds it necessary or appropriate, excepting such foods from the labeling requirements imposed by this Act, all until the further order of the Department. Whenever the Department finds that such

shortage no longer exists, it shall issue an order to become effective not less than thirty (30) days after publication thereof, revoking such previous order. Undisposed floor stocks of flour on hand at the effective date of such revocation order, or flour manufactured prior to such effective date for sale in this State, which could be lawfully sold in this State except for such revocation order, may be lawfully sold and disposed of subsequent to the effective date of such revocation order. Any such finding as to the existence or imminence of any such shortage, or the cessation thereof, may be made by the Department without any hearing, on the basis of an order of, or factual information supplied by the appropriate federal agency or officer. In the absence of any such order or factual information, the Department on its own motion may, and, upon receiving the sworn statement of any person subject to this Act that such a shortage exists or is imminent or has ceased, shall, within twenty (20) days thereafter, hold a public hearing with respect thereto, at which any interested person may present evidence, and any such finding by the Department may be based upon the evidence so presented. The Department shall publish notice of any hearing at least ten (10) days prior thereto.

(c) All orders, rules, and regulations adopted by the Department pursuant to this Act shall be published in the manner hereinafter prescribed, and, within the limits specified by this Act, shall become effective upon such date as the Department shall fix.

(d) Whenever under this Act publication of any notice, order, rule or regulation is required, such publication shall be made at least once in at least one daily newspaper of general circulation printed and published in this State.

(e) The Department is authorized to take samples for analysis and to conduct examinations and investigations for the purposes of this Act, through any officers or employees of the Department; and all such officers and employees shall have

authority to enter, at reasonable times, any factory, mill, warehouse, shop or establishment where flour or bread are manufactured, processed, packed, sold, or held, or any vehicle being used for the transportation thereof, and to inspect any such place or vehicle and any flour or bread therein, and all pertinent equipment, materials, containers and labeling.

SECTION 6. Any person who violates any of the provisions of this Act, or the orders, rules or regulations promulgated by the Department under authority thereof, shall, for each offense, be fined not more than one hundred dollars, or imprisoned for not more than thirty days, or both.

SECTION 7. This Act shall take effect six months after the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States on May 27, 1941.

By Mr. Dorman.

H. B. 302. An Act to amend and re-enact Section 64.150 KRS.

Said bill is as follows, viz.:

"64.150 (350; 1730) Jailers. (1) Jailers shall be paid out of the county treasury except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding $2.00

Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day 2.00

Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons .. .50

Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day 1.25

Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court, per day 1.25

Imprisoning and releasing a prisoner charged with a misdemeanor ..... .60

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ..... .60

Keeping and dieting a prisoner charged with a felony or contempt, per day 1.25

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons ..... .50

Each day's attendance upon the circuit court 2.00

Furnishing fuel, light and water to the circuit court, not exceeding, per day 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

By Mr. Cox.

H. B. 303. An Act relating to reports on state employees and officers for members of General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Department of Finance shall prepare and mail to the home address of each member of the General Assembly, a quarterly report on all state employes and officers, as of March 31, June 30, September 30, and December 31, of each year, each quarterly report to be mailed not later than the fifteenth of the following month. Each quarterly report shall contain the following information on every state employe or officer receiving money from the State Treasury: (1) Name and address; (2) Title of position; (3) Monthly salary. In addition to the foregoing information, each report shall also show all existing vacancies, and when they occurred, and when any previously existing vacancy has been filled.

§ 2. The administrative head of each state department or agency shall prepare and furnish to the Department of Finance, in sufficient time to reasonably enable said department to prepare and mail the reports, the necessary information to enable the Department of Finance to prepare the quarterly reports required by section one of this Act.

§ 3. Any person violating any provision of this Act shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned for not less than one nor more than six months, or both.

By Mr. Copeland.

H. B. 304. An Act relating to corporations, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 271.030 of the Kentucky Revised Statutes is amended to read as follows:

(2) All corporations authorized to do business in this state, except foreign insurance companies, shall file a certified copy of their articles of incorporation and all amendments in the office of the Secretary of State. Nonresident corporations shall pay to the Secretary of State a filing fee of twenty-five dollars and also twenty-five cents for each one hundred words for recording the articles of incorporation of any amendment recorded in that office, and shall, on or before July 1 of each year, file a statement of existence with the Secretary of State in such form and containing such information as prescribed by him, and pay a fee of two dollars. If such statement is not filed on or before July 1 of each year the Secretary of State shall mail notice to the corporation as a warning that its right to do business in this state shall automatically cease if the statement of existence is not filed within thirty days after mailing of the notice. If the statement is not then filed within thirty days, the Secretary of State shall keep a record of and mail notice of such cessation to the corporation at its last known place of business in Kentucky.

§ 2. Section 271.090 of the Kentucky Revised Statutes is amended to read as follows:

Every corporation except foreign insurance companies carrying on any business in this state, shall at all times have one or more known places of business in this state, and an authorized agent there upon whom process can be served. No corporation shall carry on any business in this state until it has filed in the office of the Secretary of State a statement, signed by its president or secretary, giving the location of its office in this state, and the name of its agent. When any

change is made in the location of its office or in its agent, it shall at once file with the Secretary of State a statement of the change. The former agent shall remain agent for the purpose of service until statement of appointment of the new agent is filed. The Secretary of State shall charge a fee of five dollars for the filing and recording of each statement designating an agent, and for filing and recording of each statement of change of agent or location of office.

Ordered that said bills be printed and referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 15, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Herman J. Womeldorf of the Southern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	C. D. Call	Thos. S. Dawson
Henry Arrowood	Fred Carpenter	Adron Doran
F. H. Bassett, Jr.	Willis Champion	J. R. Dorman
W. G. Biggers	Jno. H. Clarke, Jr.	T. H. Dyer
Isaac Blevins	A. Roy Copeland	Bernie S. Edlin
Douglas T. Bolling	Marvin Cornett	Harry W. Ennis
J. C. Bradley	John Henry Cox	Dr. J. C. Gabbard
Jno. W. Burkhart	John P. Craig	Franklin Goins
Chas. W. Burnley	Fred Creasey	J. D. Gross

R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
A. L. Love
Ed Marcum
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Speaker announced that he had referred bills heretofore introduced or reported to this House, as follows, viz.:

The following bills are referred to the Committees named:

Senate Bill 84. Education No. 1

House Bill 298. Public Health

House Bill 299. Suffrage and Elections

House Bill 300. Ways and Means

House Bill 301. Agriculture No. 1

House Bill 302. Kentucky Statutes

House Bill 303. Ways and Means

House Bill 304. Kentucky Statutes

The Standing Committees of the House to which the same had been referred, reported bills and resolutions of the following titles, viz.:

By Mr. Prichard of the Committee on Alcohol and Liquor Control No. 1.

H. B. 243. An Act relating to Alcoholic Beverages.

By Mr. Kauffman of the Committee on Courts.

H. B. 294. An Act relating to compensation of circuit court clerks.

With a Committee Amendment thereto.

H. B. 232. An Act relating to quarters, food and lodging for jurors.

With a Committee Amendment thereto.

H. B. 231. An Act relating to guards for the safekeeping of prisoners.

With a Committee Amendment thereto.

H. B. 178. An Act to create the office of Assistant Commonwealths Attorney.

H. B. 279. An Act relating to insurance issued by burial associations.

By Mr. Reeves of the Committee on Public Health.

H. B. 223. An Act relating to the treatment of persons having venereal diseases.

By Mr. Carpenter of the Committee on Roads and Highways.

S. B. 57. An Act authorizing condemnation of land and materials for construction and maintenance of public roads and bridges.

H. B. 118. An Act creating the Division of Rural Highways in the Department of Highways.

By Mr. Scheben of the Committee on Cities of the Second Class.

H. B. 250. An Act relating to Civil Service Commission.

With a Committee Amendment thereto.

H. B. 267. An Act providing for issuance of summons and warrants of arrest in police courts of cities of 2nd class.

H. B. 266. An Act relating to city manager form of government.

H. B. 240. An Act to provide for civil service and pensions for county employees in counties containing cities of 2nd class.

With Committee amendments thereto.

H. B. 277. An Act relating to crimes and punishment.

By Mr. E. V. Taylor of the Committee on Printing.

H. B. 192. An Act to amend and re-enact Sec. 436.420 KRS, relating to lotteries, etc.

H. B. 101. An Act relating to publications.

By Mr. Walters of the Committee on Agriculture No. 1, and Mr. Love of the Committee on Agriculture No. 2.

H. B. 238. An Act providing for the inspection of weighing machines and devices in tobacco warehouses.

By Mr. Love of the Committee on Agriculture No. 2.

S. B. 8. An Act to provide that 90% of the Kentucky excise tax paid on refund gasoline, be refunded to the purchaser who uses gasoline in tractor or stationary engine for agricultural purposes.

By Mr. Stewart of the Committee on National Parks.

S. Res. 19. Resolution authorizing conveyance by the Commonwealth to the National Government of title to the Blue Licks Battlefield.

By Mr. Doran of the Committee on Education No. 1.

H. B. 247. An Act relating to higher education for negroes.

With Committee Amendments thereto.

H. B. 280. An Act relating to taxation for school purposes.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 99. An Act providing for payment from the proceeds of the sale of electrical energy, water and gas, etc.

H. B. 283. An Act relating to county tax commissioners.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 194. An Act to amend Sec. 132-630 KRS.

H. B. 259. An Act relating to narcotic drugs.

H. B. 269. An Act providing funds, based on an allocated share of receipts from State Gasoline Tax.

By Mr. Howell of the Committee on Claims.

H. Res. 33. Resolution for the benefit of Mrs. Gertie Gresham.

S. Res. 12. Resolution authorizing A. E. Funk and wife to sue the Commonwealth.

S. Res. 14. Resolution authorizing Joe Nickell and Myrtiel Nickell to sue the Commonwealth.

S. Res. 15. Resolution authorizing Charles Jarboe to sue the Commonwealth.

S. Res. 11. Resolution authorizing A. B. Campbell to sue the Commonwealth.

Resolutions authorizing suits against the Commonwealth for following named persons, viz.:

Bud Philpot, J. J. Evans, E. B. Chitwood, Charles and Dorothy Bryant and C. Hays Foster.

With a Committee Amendment thereto by way of Substitute therefor.

Said Substitute to be known as H. Res. 35.

Resolutions authorizing payment of claims against the Commonwealth for the following names persons, viz.:

Lee Swaner, Elie Crum, Adam Hayes, J. B. Clark, S. T. Slaughter.

With a Committee amendment thereto by way of Substitute therefor.

Said Substitute to be known as H. Res. 34.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

Committees to which the same had been recommitted reported bills of the following titles, viz:

By Mr. Carpenter of the Committee on Roads and Highways.

H. B. 173. An Act relating to county road engineers.

With Committee amendments thereto.

With the expression of opinion that said bill ought to pass.

Ordered that said bill be placed in the Orders of the Day.

Mr. Doran of the Committee on Education No. 1 to which the same had been referred, reported a bill entitled:

H. B. 245. An Act relating to education.

Without an expression of opinion.

No motion having been made to advance said bill to a reading, it was ordered that said bill be not read at length the first time.

Ordered that said bill be laid on the Clerk's Desk.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 45. An Act relating to the conduct of auction sales.

By Mr. Kauffman of the Committee on Courts.

H. B. 258. An Act relating to admission of Circuit Court Clerks who have served for twelve years, to practice law.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading, the report of the Committees to the contrary notwithstanding, and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time and so said bills were rejected.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 90. An Act relating to Workmen's Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 342.005 of the Kentucky Revised Statutes is amended to read as follows:

(1) This chapter shall apply to all employers having three or more employes regularly engaged in the same occupation or business, and to their employes, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States. It shall apply to the operators of threshing machines used in threshing or hauling grains and seeds. It shall affect the liability of the employers subject thereto to their employes for a personal injury sustained by the employee by accident arising out of and in the course of his employment, or for death resulting from such accidental injury. Personal injury by accident shall include injuries or death due to any occupational disease arising out of and in the course of employment, injuries or death due to inhalation in mines of noxious gasses or smoke, commonly known as "bad air", and injuries or death due to inhalation of any kind of gas, but it shall not include other diseases except where the disease is the natural and direct result of a traumatic injury by accident, nor shall it include the results of a pre-existing disease.

(2) Any employers and employes who are by this section excepted from the provisions of this chapter, including employers having less than three employes, may subject themselves thereto by joint, voluntary application to the board, in writing, for a period as stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation is filed with the board of the employment terminated.

Mr. Cox offered the following amendment thereto by way of Substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 342.005, Kentucky Revised Statutes, be repealed and re-enacted so that the same, when re-enacted, shall read as follows:

342.005. Persons to Whom Chapter Applies. This act shall apply to all employers having three or more employees regularly engaged in the same occupation, or business, and to their employees, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States. Provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employees for a personal injury sustained by the employee by accident arising out of and in the course of his employment, or for death resulting from such accidental injury; provided, however, that personal injury by accident as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident, nor shall they include the results of a pre-existing disease but shall include injuries or death due to inhalation in mines of noxious gasses or smoke, commonly known as "bad air", and also shall include injuries or death due to the inhalation of any kind of gas. Any employers and employees who are by the provisions of this section excepted from the provisions of this Act, including employers having less than three employees, may subject themselves thereto by joint, voluntary application to the board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated,

and any employers and their employees may, with respect to the disease of silicosis caused by the inhalation of silica dust, in like manner voluntarily subject themselves thereto as to such disease.

2. That section 342.315, Kentucky Revised Statutes, be repealed and re-enacted so that the same, when re-enacted, shall read as follows:

342.315. Board to appoint physicians or surgeons to examine employee; fees and expenses; examination for occupational disease.

(1) The board, or any member thereof, may, upon the application of either party or upon its own motion, appoint a disinterested and duly qualified physician or surgeon to make any necessary medical examination of the employee and to testify in respect thereto. Said physician or surgeon shall be allowed traveling expenses and a reasonable fee to be fixed by the Board, but not exceeding fifteen dollars ($15.00) for each examination and report, but the Board may allow additional reasonable amounts in extraordinary cases. The fees and expenses of such physician or surgeon shall be paid out of the maintenance fund.

(2) The Workmen's Compensation Board, with the approval of the Governor, shall appoint a Medical Committee composed of three disinterested and duly qualified physicians who are experienced in the diagnosis and/or treatment of occupational diseases including silicosis, two of whom shall be qualified radiologists, whose headquarters shall be in the City of Louisville; said Medical Committee shall be appointed for terms of four years, except that, of the original Committee, one member shall be appointed for a term of one year, one for two years, and one for three years, respectively, commencing April 1, 1944. Upon the expiration of the term of each member, a successor shall be appointed for a term

of four years. Claims for compensation for disability or death from silicosis shall be referred to the Medical Committee by the Board as hereinafter provided. Said physicians shall examine the employee and certify their findings to the Workmen's Compensation Board, which findings shall state (1) in what stage, if any, the employee is suffering from the disease of silicosis; (2) whether the disability of the employee is temporary, partial or total, and (3) the extent, if any, of the impairment of capacity to work of the employee. The physicians so appointed shall be allowed necessary traveling expenses and reasonable fees, to be fixed by the Board, but not to exceed a fee of twenty dollars ($20.00) to each physician for making such examination and report, plus a reasonable allowance for expenses incurred in making such examinations; such fees and expenses so approved by the Board shall be paid out of the maintenance fund.

3. Occupational diseases; general provisions.

(a) Wherever used in this act "silicosis" shall mean the characteristic filrotic conditions of the lungs caused by the inhalation of dust of silica.

(b) No compensation shall be payable for silicosis if the employee, at the time of entering into the employment of the employer by whom the compensation would otherwise be payable, falsely represented himself, in writing, as not having previously been disabled, laid off, or compensated in damages or otherwise, because of such disease, or failed or omitted truthfully to state to the best of his knowledge, in answer to written inquiry made by the employer, the place, duration, and nature of previous employment or, to the best of his knowledge, the previous status of his health.

(c) Where silicosis is aggravated by any other disease or infirmity, not itself compensable, or where disability or death from any other cause, not itself compensable, is aggravated, prolonged, accelerated or in anywise contributed to by

silicosis, the compensation payable shall be reduced and limited to such proportion only of the compensation that would be payable if silicosis were the sole cause of the disability or death as such silicosis, as a causative factor, bears to all the causes of such disability or death, such reduction in compensation to be effected by reducing the number of weekly or monthly payments or the amounts of such payments as under the circumstances of the particular case may be for the best interest of the claimant or claimants.

(d) No compensation for death from silicosis shall be payable to any person whose relationship to the deceased, which, under the provisions of this act would give right to compensation, arose subsequent to the beginning of the first compensable disability save only to afterborn children of a marriage existing at the beginning of such disability.

(e) This section shall not apply to cases of silicosis in which the last injurious exposure to the hazards of such disease occurred before this section shall have taken effect.

(f) Where compensation is payable for silicosis the employer in whose employment the employee was last injuriously exposed to the hazards of such disease, and the insurance carrier, if any, on the risk when such employee was last so exposed under such employer, shall be liable therefor; the amount of the compensation shall be based upon the average wages of the employee when last so exposed under such employer; and the notice of injury and claim for compensation, as herein required, shall be given and made to such employer; provided, however, that the only employer and insurance carrier liable shall be the last employer in whose employment the employee was last injuriously exposed to the hazards of the disease during a period of sixty (60) days or more after the effective date of this act, and the insurance carrier, if any, on the risk when the employee was last so exposed under such employer.

(g) The employer shall not be liable for any compensation for silicosis unless such disease shall be due to the nature of an employment in which the hazards of such disease actually exist and are characteristic thereof and peculiar to the trade, occupation, process, or employment, and is actually incurred in the course and arising out of his employment and unless disablement or death results within three years after the last injurious exposure to such disease in such employment, or, in case of death, unless death follows continuous disability from such disease, commencing within the period above limited, for which compensation has been paid or awarded or timely claim made as provided herein, and results within seven (7) years after such last exposure. Compensation shall not be payable for disability or death due to silicosis unless the employee shall have been exposed to the inhalation of dust of silica in his employment for a period of not less than two (2) years in this State, provided no part of such period of two years shall have been more than five (5) years prior to the last exposure.

(h) Except as herein otherwise provided, procedure with respect to notice of disability or death, and as to the filing of claims and determination of claims, and the compensation payable for disability or death, shall be the same as in cases of accidental injury or death under the general provisions of this act. Unless written notice of the first distinct manifestation or knowledge of the existence of silicosis shall be given to the employer in whose employment the employee was last injuriously exposed to the hazard of such disease or to the Workmen's Compensation Board within ninety (90) days after such manifestation or knowledge, and, in case of death unless also written notice of such death shall be given by or on behalf of those claiming to be dependents of such deceased employee, to the employer or the Workmen's Compensation Board within ninety (90) days after the death of such employee, and unless claim for disability, or for

death, as the case may be, shall be made upon the employer sought to be held liable therefor within one (1) year after disablement or death, respectively, all rights to compensation for disability or death from such silicosis shall be forever barred; provided, however, that notice or claim shall be deemed waived in case of disability or death where the employer or insurance carrier voluntarily makes compensation payments therefor or, within the above time limits, has actual knowledge of the incurrence of the disease, or of the death of the employee, and its cause, and, provided further, that where compensation payments have been made and discontinued, and further compensation is claimed, whether for disability or death from silicosis, the claim for such further compensation shall be made within one (1) year after the last payment of compensation.

(i) If on a claim for compensation for silicosis any medical question shall be in controversy the Board shall refer the case to the Medical Committee selected by the Board for investigation and report. No award shall be made in any case until the Medical Committee shall have duly investigated the case and made its report with respect to all medical questions at issue. The date of disablement, if in dispute, shall be deemed a medical question.

(j) The Medical Committee, upon reference to it of a claim for silicosis, shall notify the claimant or claimants and the employer to appear before the Medical Committee at a time and place stated in the notice, not to exceed 30 days from date claim is referred to the Committee. If the employee be living, he shall appear before the Medical Committee at the time and place specified then or thereafter to submit to such examination including clinical and X-ray examination as the Medical Committee may require. The claimant and the employer or his insurance carrier shall each be entitled, at his own expense, to have present at all examinations con

ducted by the Medical Committee, a physician admitted to practice medicine in the State who shall be given every reasonable facility for participating in every such examination. If a physician admitted to practice medicine in the State shall certify that the employee is physically unable to appear at the time and place designated by the Medical Committee, such Committee shall, on notice to the parties, change the place and time of examination to such other place and time as may reasonably facilitate the examination of the employee. Proceedings shall be suspended and no compensation be payable for any period during which the employee may refuse to submit to such examination.

(k) The Medical Committee shall, as soon as practicable after it has completed its consideration of the case, report in writing its findings and conclusions on every medical question in controversy. If the date of disablement is controverted and cannot be exactly fixed scientifically, the Medical Committee shall fix the most probable date, having regard to all the circumstances of the case. The Medical Committee shall also include in its report a statement indicating the physician or physicians, if any, who appeared before it, and what, if any, medical reports and X-rays were considered by it.

(1) The Medical Committee shall file its report with the Board, which shall send a certified copy thereof to the claimant and to the employer and his insurance carrier, if any. The decision or award in the case shall conform to the findings and conclusions in such report in so far as restricted to medical questions; provided, however, that any such findings and conclusions may be set aside, reversed or modified by the Board upon a review of the Medical Committee's award or decision, in case an application for review by the Board is made within ten (10) days from the date of the award, subject, however, to the following special provisions: No such finding or conclusion of the Medical Committee shall

be subject to review unless specific objection thereto shall be filed with the Board by a party in interest within the time limited in which to apply for review of an award or decision. If objection is so filed, notice thereof shall be given to the Medical Committee, whereupon such Committee shall delegate one or more of its members to appear at the hearing or hearings on review to submit to examination and cross-examination in respect to the findings and conclusions objected to. On each review, evidence to controvert findings or conclusions of the Medical Committee shall be limited to the examination and cross-examination of the member or members of such Committee appearing on such review and of the physician or physicians who appeared in the case before the Medical Committee on behalf of the claimant or employer. Upon such review no finding or conclusion of the Medical Committee upon a medical question shall be set aside, reversed, or modified unless proved to be manifestly erroneous or unreasonable, or due to fraud, undue influence, inadvertence or mistake of fact or law. But, with the consent of the Medical Committee, its report in any case may, upon review, be remanded to it for reconsideration. Every decision by the Board that sets aside, reverses, affirms, or modifies a finding or conclusion by the Medical Committee shall be subject to review by the courts, upon appeal, on all questions, whether of law or fact.

(m) Upon the filing of a claim for compensation for death from silicosis where an autopsy is necessary accurately and scientifically to determine the cause of death, such autopsy shall be ordered by the Board and shall be made under the supervision of the coroner. The Board may designate a duly licensed physician, who is a specialist in such examinations, to perform or attend such autopsy and to certify his findings thereon. Such findings shall be filed with the Board. The Board may also exercise such authority on its own motion or on application made to it at any time, upon the presenta-

tion of facts showing that a controversy may arise in regard to the cause of death or the existence of silicosis. All proceedings for compensation shall be suspended upon refusal of a claimant or claimants to permit such autopsy when so ordered, and no compensation shall be payable during the continuation of such refusal. No report of an autopsy, or testimony as to facts disclosed thereby, shall be received in evidence unless such autopsy shall have been conducted in accordance with this subsection or unless representatives of all parties shall have participated therein or been given reasonable opportunity so to do.

(n) In case of disability or death from silicosis complicated with tuberculosis of the lungs, compensation shall be payable as for uncomplicated silicosis, provided, however, that the silicosis was an essential factor in causing such disability or death. In case of disability or death from silicosis complicated with any other disease, or from any other disease complicated with silicosis, the compensation shall be reduced as provided in section 3 (c) hereof.

(o) Where an employee, though not actually disabled from silicosis, is found by the Medical Committee to be affected by silicosis to such a degree as to make it unduly hazardous for him to continue in an employment involving exposure to the hazards of such disease, the Board may order that he be removed from his employment, in which case or in case he has already been discharged from such employment and is unemployed, he shall be entitled to compensation (subject, however, to the same conditions relative to exposure prior to removal or discharge from employment as are in this section relative to exposure prior to disability or death) until he can obtain steady employment in some other suitable occupation in which there are no hazards of such disease; provided, however, that such compensation shall in no case be payable for longer than twenty-six (26) weeks immediately

following the date of removal or discharge and unless application therefor is made within such period; but neither a claim for nor receipt of compensation under the provisions of this sub-section shall bar the employee from any right to compensation for actual disability from silicosis if such disability results not later than within the time limited in subsection (g) hereof, except that any compensation paid under this subsection shall be credited upon any compensation which may become payable for actual disability. Compensation payable under this sub-section shall not be barred nor offset by any compensation for unemployment which the employee may, for the same period, be entitled to under the provisions of any other law of this State.

4. That Section 342.185, Kentucky Revised Statutes, be repealed and re-enacted so that the same when re-enacted, shall read as follows:

342.185. Employer to be notified of accident; who may make claim; time limit. No proceeding under this act for compensation for an injury or death shall be maintained unless a notice of the accident shall have been given to the employer as soon as practicable after the happening thereof and unless a claim for compensation with respect to such injury shall have been made within one year after the date of the accident, or, in case of death, within one year after such death, whether or not a claim has been made by the employee himself for compensation. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by some one in his behalf. If payments of compensation as such have been made voluntarily the making of a claim within such period shall not be required, but shall become requisite following the suspension of such voluntary payments.

5. That Section 342.435, Kentucky Revised Statutes, be

repealed and re-enacted so that the same when re-enacted, shall read as follows:

342.435. Annual report to be made by the board; printing of report; distribution of information. Annually on or before the 15th day of December the Board shall make a report to the Governor for the preceding fiscal year, which shall include a statement of the number of awards made and of claims rejected by it, a general statement of the causes of accident leading to the injuries for which awards were made or rejected claims based, and a detailed statement of the disbursements from and unpaid expenses chargeable against the maintenance fund and its condition, together with any other information which the Board deems proper to call to the attention of the Governor, including any recommendations it may have to make, and it shall be the duty of the board to publish and distribute among employers and employees such general information as to the business transacted by the department as may be useful and necessary.

The annual report shall not exceed ten thousand copies. All printing of the department shall be done by the contractor or contractors for public printing, subject to such provisions of the general laws governing public printing as may be applicable thereto.

6. Whereas, in various industries of this State there exists a hazard of silicosis and, under the present provisions of the Workmen's Compensation Act, the employers and employees engaged in such industries cannot elect to extend the coverage of the act to disability or death resulting from silicosis, an emergency is declared to exist and this act shall become effective upon its passage and approval by the Governor.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Adron Doran	Lee Johnson
F. H. Bassett, Jr.	Bernie S. Edlin	Paul S. Jonas
W. G. Biggers	Harry W. Ennis	Wm. E. Justice
Isaac Blevins	Dr. J. C. Gabbard	M. Kavanaugh
Douglas T. Bolling	Chas. B. Gentry	G. M. Knuckles
Jno. W. Burkhart	Franklin Goins	J. T. Linton
Chas. W. Burnley	J. D. Gross	Homer E. Losey
C. D. Call	R. M. Hall	A. L. Love
Fred Carpenter	Jas. P. Hallahan	Ed Marcum
Willis Champion	Claude Hammons	Johnston Miller
Jno. H. Clarke, Jr.	B. C. Holbrook	Harry L. Moore
A. Roy Copeland	Benton Howard	Herbert V. Moore
Marvin Cornett	Clyde S. Howard	J. Lee Moore
John Henry Cox	Jerry F. Howell	L. D. Moore
John P. Craig	J. J. Huff	W. B. Moser
Fred Creasey	W. N. Hughes	C. Sid Nabb
Thos. S. Dawson	W. H. Hunt	Coy C. Nevitt

Jno. C. Newcomb	Carl Scheben	C. W. Taylor
Joe E. Nunn	F. W. Schuhmann	Egbert V. Taylor
Chester Peterson	Vernon Seaton	Roy L. Taylor
Albert W. Pfeiffer	Leon J. Shaikun	H. Thieman, Jr.
Sylvester Phillips	Jno. W. Simmons	Otis C. Thomas
J. Gip Prather	Faust Y. Simpson	E. B. Thompson
Kleber F. Price	George T. Smith	John L. Trumbo
Edw. P. Prichard	Robt. J. Spaulding	S. J. Wagner
James E. Quill	E. A. Spencer	Harry F. Walters
C. R. Reeves	Arthur Stallard	R. E. West
Wade H. Riley	Geo. W. Steinford	Taylor Witt
H. G. Royalty	Joe Stewart	Speaker Harry
Amos Runyon	Thos. M. Swope	Lee Waterfield

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Resolved that the title thereof be as amended.

Mr. J. Lee Moore moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House, entitled:

H. B. 98. An Act relating to primary elections.

H. B. 103. An Act pertaining to registrations for elections in cities of the first class.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 21. An Act relating to State employees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 42.140, Kentucky Revised Statutes, be and the same hereby is amended by repealing said section in its entirety and re-enacting it so that, as re-enacted, it shall read as follows, to-wit:

Except as hereinafter in this Act provided, the appointing officer of each State agency may remove any subordinate officer or employee under his jurisdiction and upon so doing, he shall forthwith notify the Division of Personnel Efficiency. If a subordinate officer or employee so removed requests it in writing, the officer who removed him shall file with the Division a statement, stating the reasons for his removal, which statement shall be open to public inspection.

No Department, agency, division, independent agency, or the Head thereof, without the written consent of the employee, shall remove, discharge, transfer, or reduce the compensation of any employee under his jurisdiction, if such employee be the wife or mother of a person serving in the United States Army or United States Navy, or in any branch of the Armed Services of the United States of America; nor shall any such person be removed, discharged, transferred, or their compensation reduced until twelve (12) months after such son, daughter, or husband, as the case may be, shall have been discharged from the United States Army, United States Navy or in any branch of the Armed Services of the United States of America, except for

(a) inefficiency;

(b) and willful neglect or failure to perform the duties of her employment; or

(c) indictment and conviction on a charge involving moral turpitude.

Any employee who is discharged, removed, transferred or whose compensation is reduced shall have the right to appeal to the Circuit Court of the County in which the employee resides or to the Circuit Court of the County in which the duties of the employment were being performed, to have determined the sufficiency of the grounds for such discharge, removal, transfer, or reduction in compensation; and each such appeal shall have precedence over all other cases in such Court; and the sufficiency of the charges or grounds for discharge, removal, transfer, or reduction in compensation shall be determined de novo on such appeal in the Circuit Court, and the appallant shall have the right to a determination thereof by a jury. Either party shall have the right to appeal from the judgment of the Circuit Court to the Court of Appeals, in the same manner as other appeals are prosecuted to the Court of Appeals in civil cases, except that the right of appeal shall not be limited by the amount of compensation involved.

The terms "Department," "agency," "division," "employee," and "independent agency," as used in this Act, shall be construed as defined by Section 12.010, Kentucky Revised Statutes.

WHEREAS, the United States of America is now engaged in the greatest military conflict in the history of the World; and

WHEREAS, large numbers of Kentucky boys and girls are now serving in the United States Army and Navy, and other military forces of the United States of America, both in training in this Country and on foreign battlefields; and

WHEREAS, they are risking their lives for their Country; and

WHEREAS, many of them have wives and mothers who have passed the Personnel Examinations required by law for State employment and are now employed in the various branches of State service in the Government of Kentucky; and

WHEREAS, the Kentuckians who are so serving their Country in the Armed Forces of the United States are entitled to be relieved of anxiety about the financial support of their wives and mothers now employed in the various Departments and agencies of the State Government of Kentucky; and

WHEREAS, the number of employees within the aforesaid classification is relatively small when compared to the total number of State employees; and

WHEREAS, it is the judgment of the General Assembly that such employees should be made secure in their positions by law, and there is now no law providing such security; and

WHEREAS, the security provided by this Act will relieve many now in the Armed Services of anxiety and worry about the security of their wives and mothers who now have State employment in Kentucky,

NOW, THEREFORE, an emergency hereby is declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

Mr. Creasey offered the following amendment to said bill, viz.:

Amend printed copy of S. B. 21 in House on page 2, line 31 by inserting, after the word "employee" in line 31, the following: "who is the wife or mother of a person serving in the Armed Forces of the United States"

Said amendment was agreed to.

Mr. Creasey moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Thos. S. Dawson	Lee Johnson
F. H. Bassett, Jr.	Adron Doran	Paul S. Jonas
W. G. Biggers	J. R. Dorman	Wm. E. Justice
Isaac Blevins	T. H. Dyer	H. Clay Kauffman
Douglas T. Bolling	Bernie S. Edlin	M. Kavanaugh
J. C. Bradley	Harry W. Ennis	J. T. Linton
Jno. W. Burkhart	Dr. J. C. Gabbard	Homer E. Losey
Chas. W. Burnley	Chas. B. Gentry	A. L. Love
C. D. Call	Franklin Goins	Johnston Miller
Fred Carpenter	R. M. Hall	Harry L. Moore
Willis Champion	Claude Hammons	J. Lee Moore
Jno. H. Clarke, Jr.	B. C. Holbrook	L. D. Moore
A. Roy Copeland	Benton Howard	W. B. Moser
Marvin Cornett	Clyde S. Howard	C. Sid Nabb
John Henry Cox	Jerry F. Howell	Jno. C. Newcomb
John P. Craig	W. N. Hughes	Joe E. Nunn
Fred Creasey	W. H. Hunt	H. C. Patterson

Chester Peterson	H. G. Royalty	Joe Stewart
Albert W. Pfeiffer	Amos Runyon	Thos. M. Swope
Sylvester Phillips	Carl Scheben	Roy L. Taylor
James T. Philpott	F. W. Schuhmann	H. Thieman, Jr.
J. Gip Prather	Vernon Seaton	E. B. Thompson
Kleber F. Price	Leon J. Shaikun	John L. Trumbo
Edw. P. Prichard	Jno. W. Simmons	S. J. Wagner
James E. Quill	Faust Y. Simpson	Harry F. Walters
C. R. Reeves	George T. Smith	Taylor Witt
L. Allen Rhoads	E. A. Spencer	
Wade H. Riley	Geo. W. Steinford	—82

Those who voted in the negative were—

Jas. P. Hallahan	Herbert V. Moore	Egbert V. Taylor
J. J. Huff	Coy C. Nevitt	R. E. West
G. M. Knuckles	Robt. J. Spaulding	
Ed Marcum	Arthur Stallard	—10

Mr. Howell offered the following amendment to the title of said bill, viz.:

Amend the title to S. B. 21 in House by adding the following "This Act is to be known as the Creasey, Cox, Smith Bill."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Moser of the Committee on Enrollment to which the

same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 8. An Act relating to school buses and other motor vehicles.

H. B. 171. An Act to appropriate money for the administration of community school lunch funds.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 196. An Act to amend the Workmen's Compensation Law.

Mr. Shaikun moved that immediate consideration of said

bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 76. An Act relating to parks.

With a Committee Amendment thereto.

Mr. Hammons moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled: H. B. 197. An Act relating to registration of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When registering a voter, the county clerk, or in cities of the first class, the board of registration commissioners, shall inquire of the voter as to whether he has been registered as a voter in any other county or city of the first class in this state. If the voter has been so registered, the clerk or board shall obtain from the voter the name of the county or city in which the voter was registered, and shall forthwith mail a notice to the county clerk of the county or the board of registration commissioners of the city where such voter was registered, notifying such clerk or board of the fact and date

of the voter's subsequent registration, and upon receipt of such notice the board or clerk shall forthwith cancel the registration of such voter. For sending the notice required by this section, the county clerk shall be entitled to a fee of five cents for each notice, to be paid by the county.

Mr. Cornett moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	John Henry Cox	B. C. Holbrook
F. H. Bassett, Jr.	John P. Craig	Benton Howard
Isaac Blevins	Thos. S. Dawson	Clyde S. Howard
Douglas T. Bolling	Adron Doran	J. J. Huff
J. C. Bradley	J. R. Dorman	W. N. Hughes
Jno. W. Burkhart	T. H. Dyer	W. H. Hunt
Chas. W. Burnley	Bernie S. Edlin	Lee Johnson
C. D. Call	Dr. J. C. Gabbard	Paul S. Jonas
Fred Carpenter	Chas. B. Gentry	Wm. E. Justice
Willis Champion	Franklin Goins	H. Clay Kauffman
Jno. H. Clarke, Jr.	J. D. Gross	M. Kavanaugh
A. Roy Copeland	R. M. Hall	G. M. Knuckles
Marvin Cornett	Claude Hammons	J. T. Linton

Homer E. Losey	James T. Philpott	George T. Smith
A. L. Love	J. Gip Prather	Robt. J. Spaulding
Ed Marcum	Kleber F. Price	E. A. Spencer
Johnston Miller	Edw. P. Prichard	Arthur Stallard
Harry L. Moore	James E. Quill	Geo. W. Steinford
Herbert V. Moore	C. R. Reeves	Joe Stewart
J. Lee Moore	L. Allen Rhoads	Thos. M. Swope
L. D. Moore	Wade H. Riley	C. W. Taylor
C. Sid Nabb	H. G. Royalty	Egbert V. Taylor
Coy C. Nevitt	Amos Runyon	H. Thieman, Jr.
Jno. C. Newcomb	Carl Scheben	E. B. Thompson
Joe E. Nunn	F. W. Schuhmann	John L. Trumbo
H. C. Patterson	Vernon Seaton	R. E. West
Chester Peterson	Jno. W. Simmons	
Sylvester Phillips	Faust Y. Simpson	—82

Resolved that the title thereof be as aforesaid.

Mr. Cornett moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 211. An Act relating to inquests concerning sanity.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 202.020 of the Kentucky Revised Statutes is amended to read as follows:

The circuit court of the several counties of this state shall have exclusive jurisdiction of all inquests concerning the condition of the mind or mental faculty of persons. When no circuit court is in session in the county, inquests of insane persons may be held by a judge of a circuit court or by the presiding judge of the county court, but in no case shall an inquest upon an idiot, or a person convicted of crime and confined in the penitentiary or reformatory be held except in the circuit court, and if the inquest is upon a convict it shall only be held at a regular term of said court.

2. Section 202.330 of the Kentucky Revised Statutes is repealed.

Mr. Rhoads offered the following amendment to said bill, viz.:

Amend H. B. 211 on page 1, sec. 1 line 7 by adding after the words "county court" on line 7, the following "acting as special judge of the circuit court for the purpose"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Isaac Blevins	C. D. Call
Henry Arrowood	J. C. Bradley	Fred Carpenter
F. H. Bassett, Jr.	Chas. W. Burnley	Willis Champion

Jno. H. Clarke, Jr.	H. Clay Kauffman	Wade H. Riley
A. Roy Copeland	M. Kavanaugh	H. G. Royalty
John Henry Cox	G. M. Knuckles	Amos Runyon
John P. Craig	J. T. Linton	Carl Scheben
Fred Creasey	Homer E. Losey	F. W. Schuhmann
Thos. S. Dawson	A. L. Love	Vernon Seaton
Adron Doran	Ed Marcum	Jno. W. Simmons
J. R. Dorman	Johnston Miller	Faust Y. Simpson
Bernie S. Edlin	Harry L. Moore	George T. Smith
Harry W. Ennis	Herbert V. Moore	Robt. J. Spaulding
Dr. J. C. Gabbard	J. Lee Moore	E. A. Spencer
Chas. B. Gentry	L. D. Moore	Arthur Stallard
Franklin Goins	C. Sid Nabb	Geo. W. Steinford
J. D. Gross	Jno. C. Newcomb	Joe Stewart
R. M. Hall	Joe E. Nunn	Thos. M. Swope
Jas. P. Hallahan	Chester Peterson	C. W. Taylor
Claude Hammons	Albert W. Pfeiffer	Egbert V. Taylor
B. C. Holbrook	Sylvester Phillips	Roy L. Taylor
Benton Howard	James T. Philpott	H. Thieman, Jr.
Clyde S. Howard	J. Gip Prather	E. B. Thompson
W. N. Hughes	Kleber F. Price	John L. Trumbo
W. H. Hunt	Edw. P. Prichard	Harry F. Walters
Lee Johnson	James E. Quill	R. E. West
Paul S. Jonas	C. R. Reeves	Taylor Witt
Wm. E. Justice	L. Allen Rhoads	—83

Resolved that the title thereof be as aforesaid.

Mr. Rhoads moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled: H. B. 233. An Act relating to boxing and wrestling.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 229.080 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any regularly organized post of the American Legion, and any organization operating solely for charitable purposes from which no individual, partnership or corporation derives any monetary gain, may hold boxing or wrestling matches or exhibitions without the payment of the license fee prescribed by KRS 229.070. Any post of the American Legion or other organization holding matches or exhibitions under this section shall be subject to the provisions of KRS 229.090 and 229.100.

Mr. Burnley moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Isaac Blevins	Jno. W. Burkhart
Henry Arrowood	Douglas T. Bolling	Chas. W. Burnley
F. H. Bassett, Jr.	J. C. Bradley	C. D. Call

Fred Carpenter	Wm. E. Justice	James E. Quill
Willis Champion	H. Clay Kauffman	L. Allen Rhoads
Jno. H. Clarke, Jr.	M. Kavanaugh	Wade H. Riley
A. Roy Copeland	G. M. Knuckles	H. G. Royalty
Marvin Cornett	J. T. Linton	Amos Runyon
John Henry Cox	Homer E. Losey	Carl Scheben
John P. Craig	A. L. Love	F. W. Schuhmann
Fred Creasey	Ed Marcum	Vernon Seaton
Adron Doran	Johnston Miller	Leon J. Shaikun
J. R. Dorman	Harry L. Moore	Faust Y. Simpson
Bernie S. Edlin	Herbert V. Moore	George T. Smith
Harry W. Ennis	J. Lee Moore	Robt. J. Spaulding
Dr. J. C. Gabbard	L. D. Moore	E. A. Spencer
Chas. B. Gentry	W. B. Moser	Geo. W. Steinford
Franklin Goins	C. Sid Nabb	Thos. M. Swope
J. D. Gross	Coy C. Nevitt	C. W. Taylor
R. M. Hall	Jno. C. Newcomb	Egbert V. Taylor
Claude Hammons	Joe E. Nunn	Roy L. Taylor
B. C. Holbrook	Chester Peterson	H. Thieman, Jr.
Benton Howard	Albert W. Pfeiffer	E. B. Thompson
J. J. Huff	Sylvester Phillips	John L. Trumbo
W. N. Hughes	James T. Philpott	Harry F. Walters
W. H. Hunt	J. Gip Prather	R. E. West
Lee Johnson	Kleber F. Price	Taylor Witt
Paul S. Jonas	Edw. P. Prichard	—83

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 242. An Act relating to and amending the charters of cities of the second, third, fourth, fifth and sixth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 96.430, Kentucky Revised Statutes be and it is hereby repealed and reenacted so that said section as reenacted shall read as follows:

At or before the issuance of bonds, the city legislative body shall, by ordinance, set aside and pledge the income and revenue of the water works into a separate and special fund to be used and applied in payment of the cost thereof, and in the maintenance, operation and depreciation thereof and for the purposes hereinafter set out. The ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of the principal and interest of the bonds, and the portion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, the portion to be set aside for the reasonable and proper operation and maintenance of the water works and may provide that the surplus not needed for the purposes aforesaid, shall be paid over to and become a part of the general funds of such city. The rates to be charged for service from the water works shall be fixed and revised from time to time so as to be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereon, when due; to provide for the operation and maintenance of the water works and an adequate depreciation account and such rates may be fixed as will furnish a fair and reasonable return on the far value of the used and useful property of the utility.

Section 2. That section 96.440 Kentucky Revised Statutes be and the same is hereby repealed and reenacted so that said section when reenacted, shall read as follows:

If a surplus is accumulated in the operating and maintenance funds equal to the cost of maintaining and operating the water works during the remainder of the calendar year or the fiscal year, if the utility is being operated on a fiscal year basis, and also equal to the cost of maintaining and operating the water works during a like succeeding year, then any excess over such amount shall be transferred by the utility commission to the depreciation account to be used for improvements, extensions or additions to the water works or if the depreciation account is already proper and adequate, as defined by the ordinance enacted under the provisions of section 96.430 Kentucky Revised Statutes, then such excess may be transferred by the utility commission to and become a part of the general funds of such city.

Section 3. That section 96.520 Kentucky Revised Statutes be and the same is hereby repealed and reenacted so that said section, when so reenacted, shall read as follows:

(1). Any city of the second, third, fourth, fifth or sixth class may purchase, establish, erect, maintain and operate electric light, heat and power plants with extensions and necessary appurtenances thereunto within or without the corporate limits of the city for the purpose of supplying the city and its inhabitants with electric light, heat and power.

(2). The city shall proceed in the same manner and be governed by the same conditions as are set forth in Kentucky Revised Statutes 96.360 to 96.510, including sections 96.430 and 96.440 as herein reenacted, for the acquisition and operation of a water system, except that a petition calling for an election on the proposition of purchasing an existing plant, shall be signed by at least two hundred qualified voters of the city rather than by 25% of the qualified voters of the city who voted at the last preceding regular election.

(3). This section constitutes a method for the acquisition of an electric light, heat and power plant by any city of

the second, third, fourth, fifth or sixth class in addition or as an alternate to any other method authorized by statute. No proceedings shall be required for the acquisition of any electric light, heat or power plant or the issuance of bonds under this section except the proceedings required by the Kentucky Revised Statutes 96.360 to 96.510 including section 96.430 and 96.440, as herein reenacted.

Section 4. That section 96.530 Kentucky Revised Statutes and it is hereby repealed and reenacted so that said section when reenacted shall read as follows:

(1). Any city acquiring or constructing an electric light, heat and power plant under the provisions of Kentucky Revised Statutes 96.520 shall by ordinance appoint a city utility commission consisting of three commissioners to operate, manage and control the plant. The utility commission shall have absolute control of the plant in every respect, including its operation and fiscal management and the regulation of rates, except that in fixing rates, the commission shall be governed by the provisions of Kentucky Revised Statutes 96.430, as hereby reenacted, as it is made applicable to such plants by Kentucky Revised Statutes 96.520, as hereby reenacted and by any ordinance enacted under that section. The commission shall provide rules for the management of the plant. Out of the revenue of the plant, it shall pay operating expenses, make repairs and necessary additions and provide sufficient reserve fund against any emergency that may be expected reasonably to arise. The commission may, from time to time, pay to the city the surplus revenue derived from the operation of the plant, which shall be administered and disbursed by the legislative body of the city, as is provided in Kentucky Revised Statutes 96.430 and 96.440, as hereby reenacted and as they are made applicable to such plants by Kentucky Revised Statutes 96.520, as hereby reenacted.

(2). Except as provided in Kentucky Revised Statutes 61.070, no person shall be appointed a member of the commission who has, within the last two years before his appointment, held any city, county, state or federal office, or been a member of any committee of any political party, or who is related within the third degree to the mayor or member of the city legislative body. The commission shall not appoint to any subordinate office, that it may create, any person who is related to any commissioner, to the mayor or to any member of the city legislative body. No officer or employee of the city, whether holding a paid or unpaid office, shall be eligible to be appointed as a member of said commission or to be employed by the commission in any capacity. The members of the commission shall be citizens, taxpayers and legal voters of the city and shall not, at the time of appointment, be indebted to the city or surety on the official bond of any officer of the city. If at any time, during his term of office, any member of the commission becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership on the commission and another person shall be appointed in his place.

(3). The city shall pay the cost of securing the bonds for the commissioners from a surety company and each commissioner shall execute bond to be approved by the city legislative body.

(4). The city legislative body shall fix the salary to be paid each member of the commission at a sum not to exceed $300.00 per annum.

(5). The first commissioners appointed under this section shall be appointed, one for the term of one year, one for the term of two years and one for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

Section 5. Whereas this act is of vital importance to the administration of municipally owned water works and light, heat and power plants in the State of Kentucky and will clarify the present fiscal management of such plants, an emergency is hereby declared to exist and this act shall become effective immediately upon its final passage and approval by the Governor.

Mr. Bolling offered the following amendment to said bill, viz.:

Amend H. B. 242. on page 1, section 1, line 4 by striking the words "At or before the issuance of bonds"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Fred Carpenter	Adron Doran
F. H. Bassett, Jr.	Willis Champion	J. R. Dorman
Isaac Blevins	A. Roy Copeland	T. H. Dyer
Douglas T. Bolling	Marvin Cornett	Bernie S. Edlin
J. C. Bradley	John Henry Cox	Harry W. Ennis
Jno. W. Burkhart	John P. Craig	Dr. J. C. Gabbard
Chas. W. Burnley	Fred Creasey	Chas. B. Gentry
C. D. Call	Thos. S. Dawson	Franklin Goins

J. D. Gross	Pearl McKinney	H. G. Royalty
R. M. Hall	Ed Marcum	Amos Runyon
Jas. P. Hallahan	Johnston Miller	Carl Scheben
Claude Hammons	Harry L. Moore	F. W. Schuhmann
B. C. Holbrook	Herbert V. Moore	Vernon Seaton
Benton Howard	J. Lee Moore	Leon J. Shaikun
Clyde S. Howard	L. D. Moore	Jno. W. Simmons
Jerry F. Howell	C. Sid Nabb	Robt. J. Spaulding
J. J. Huff	Jno. C. Newcomb	E. A. Spencer
W. N. Hughes	H. C. Patterson	Arthur Stallard
W. H. Hunt	Chester Peterson	Geo. W. Steinford
Lee Johnson	Albert W. Pfeiffer	Thos. M. Swope
Paul S. Jonas	Sylvester Phillips	C. W. Taylor
Wm. E. Justice	James T. Philpott	Egbert V. Taylor
H. Clay Kauffman	J. Gip Prather	Roy L. Taylor
M. Kavanaugh	Kleber F. Price	H. Thieman, Jr.
G. M. Knuckles	Edw. P. Prichard	E. B. Thompson
J. T. Linton	James E. Quill	John L. Trumbo
Homer E. Losey	C. R. Reeves	Harry F. Walters
A. L. Love	L. Allen Rhoads	R. E. West
C. C. May	Wade H. Riley	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Bolling moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Without objection, the following bills were introduced, viz.:

By Mr. Prichard.

H. B. 305. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (9) of section 241.010 of the Kentucky Revised Statutes is repealed.

§ 2. Subsection (10) of section 241.010 of the Kentucky Revised Statutes is amended to read as follows:

(10) "Commissioner" means the Commissioner of Alcoholic Beverage Control.

§ 3. Subsection (13) of section 241.010 of the Kentucky Revised Statutes is amended to read as follows:

(13) "Department" means the Department of Alcoholic Beverage Control.

§ 4. A new section of the statutes is created to be numbered KRS 241.015 and to read as follows:

There is created a Department of Alcoholic Beverage Control, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall consist of the Commissioner of Alcoholic Beverage Control and the Alcoholic Beverage Control Board. The commissioner shall head the department, shall be its executive officer, and shall have charge of the administration of the department and perform all functions of the department not specifically assigned to the board. The Governor shall appoint as commissioner a person with administrative experience in the field of alcoholic beverage control. The commissioner shall be appointed for a term of four years and shall receive a salary of five thousand dollars per annum.

§ 5. Section 241.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall administer statutes relating to, and regulate traffic in, alcoholic beverages, except that the collection of license fees and taxes shall be administered by the Department of Revenue.

(2) A Distilled Spirits Unit, under the supervision of the board, shall administer the laws in relation to traffic in distilled spirits and wine.

(3) A Malt Beverage Unit, under the supervision of the board, shall administer the laws in relation to traffic in malt beverages.

§ 6. Section 241.030 of the Kentucky Revised Statutes is amended to read as follows:

The Alcoholic Beverage Control Board shall consist of the Commissioner of Alcoholic Beverage Control and two persons appointed by the Governor, who shall be persons with administrative experience in the field of alcoholic beverage control and who shall serve for terms of four years each. One of such persons shall serve as Administrator of the Distilled Spirits Unit, and the other shall serve as Administrator of the Malt Beverage Unit, as indicated by the Governor in making the appointments. The commissioner shall be chairman of the board. The two administrators shall each receive a salary of four thousand dollars per annum.

§ 7. Sections 241.050 and 241.070 of the Kentucky Revised Statutes are repealed.

§ 8. Subsection (1) of section 241.080 of the Kentucky Revised Statutes is repealed.

§ 9. Section 241.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) No member of the board or employe of the department shall have any interest in any premises or business where alcoholic beverages are manufactured, stored or sold. Nor shall he receive any commission or profit from any person applying for or receiving any license or permit.

(2) No person shall be disqualified under this section solely by reason of his membership in a club.

(3) If a member of the board is disqualified or fails to give bond and take the oath of office, the Governor shall fill the vacancy by appointment for the period during which that member of the board remains disqualified or fails to qualify.

§ 10. Subsection (1) of section 241.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county judge shall be disqualified to act as county administrator by any fact that would disqualify a person under KRS 241.100 from acting as a member of the board.

§ 11. Subsection (1) of section 243.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 243.020 to 243.710, unless the context requires otherwise, the words and terms defined in KRS 241.010 have the meaning given to them in KRS 241.010, except that in KRS 243.680 to 243.870 the word "department" means the Department of Revenue, and the word "commissioner" means the Commissioner of Revenue.

§ 12. The introductory sentence and paragraph (a) of subsection (2) of section 243.010 of the Kentucky Revised Statutes are amended to read as follows:

(2) As used in KRS 243.720 to 243.860, unless the context requires otherwise:

(a) "Alcohol," "alcoholic beverage," "bottling," "licensee." "malt beverage" and "manufacturer" have the meaning given to them in KRS 241.010 and "department" means the Department of Revenue.

§ 13. Subsection (3) of section 243.220 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) Except as provided in paragraphs (b) and (c) of this subsection, no license for the sale of alcoholic beverages at retail shall be issued for any premises that are located on the same street as, and within two hundred feet of, a building used exclusively as a church or for class rooms of a school, if the governing authority of the church or school, within ten days after receiving notice of the application for the license, files written protest with the state administrator against the issuance of the license. The measurement shall be taken on the street on which the licenses premises are located, in a straight line from the nearest outside wall of the building on the licensed premises to the nearest outside wall of the church or school building. Proof of the giving of notice to the governing authority of the church or school must be furnished to the state administrator before the license is issued.

(b) A hotel, drug store or private club which has been bona fide in business as a licensee at a particular location for not less than one year preceding the passage of 1938, c. 2, or the establishment of the church or school, may be issued a license by the state administrator, in the exercise of his sound discretion, regardless of protest, even though the premises are within less than two hundred feet of a building occupied exclusively as a church or for class rooms of a school.

(c) In cities of the first, second or third class, the city administrator, with the approval of the State Alcoholic Beverage Control Board, may issue a regulation in such city requiring written permission by the governing authority of the

church or school for the licensing of retail premises within two hundred feet of a church or school building, in which case the state administrator may not issue the license without such permission, except under the circumstances set fort in paragraph (b) of this subsection.

§ 14. Section 243.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) Applications for licenses provided for in KRS 243.030 and 243.050 shall be made to the Administrator of the Distilled Spirits Unit. Applications for licenses provided for in KRS 243.040 shall be made to the Administrator of the Malt Beverage Unit.

(2) All applications shall be on forms furnished by the department. They shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as the board by regulation requires.

§ 15. Section 243.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every applicant for a distiller's, rectifier's or vintner's license shall file with his application a bond to the state in the amount of one thousand dollars. The bond shall be on a form approved by the board and shall have corporate surety registered by the Division of Insurance of the Department of Business Regulation. The applicant shall be the principal obligor and the state shall be the obligee. The bond shall be conditioned upon the prompt payment by the obligor to the Department of Revenue of any and all state taxes, with penalties and interest.

(2) Every applicant for a wholesaler's license shall file with his application a bond to the state in the minimum

amount of two thousand dollars or an amount equal to three times the monthly tax liability, whichever is less, and up to a maximum amount of $25,000. It shall be sufficient, in the opinion of the board, which shall consider the financial reputation and rating of the applicant, to insure payment to the state of the amount of any and all taxes and penalties and interest for which the wholesaler may become liable. It shall be on a form to be approved by the board and with surety on the bond approved by the board. The applicant shall be the principal obligor and the state the obligee. The bond shall be conditioned upon the prompt payment by the wholesaler to the Department of Revenue of any and all state taxes, with penalties and interest.

§ 16. Section 243.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the surety on bonds required by KRS 243.400 becomes unsatisfactory in the opinion of the board, the board may require the distiller, rectifier, vintner or wholesaler to file a new bond with satisfactory surety in the same amount. Upon failure to file a new bond with satisfactory surety, the board shall forthwith suspend the license of the distiller, rectifier, vintner or wholesaler.

(2) If upon a hearing, of which the licensee shall be given five days' notice in writing, the board decides that the amount of the existing bond is insufficient, the licensee shall forthwith, upon written demand of the board, file an additional bond in the same amount, manner and form, and with a surety approved by the board. If the licensee fails to comply with the demand of the board, his license shall immediately be revoked by the board.

(3) A surety on any bond required by KRS 243.400 or 243.410 shall be discharged from any and all liability to the state accruing on the bond after the expiration of sixty days

from the date upon which he files with the board a written request to be discharged. Such a request shall not operate to discharge the surety from any liability already accrued or that accrues before the expiration of the sixty day period.

§ 17. Section 243.420 of the Kentucky Revised Statutes is amended to read as follows:

A suit to recover on any of the bonds mentioned in KRS 243.400 and 243.410 may be brought in the Franklin circuit court or in the circuit court of the county in which the licensed premises are located, in the name of the state, by the Commissioner of Revenue or on relation of any party aggrieved. If the obligor named in the bond has violated any of the conditions of the bond, recovery of the penal sum of the bond may be had in favor of the state or of the party aggrieved; or judgment for tax, penalties and interest may be rendered in favor of the state.

§ 18. Section 243.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the state administrator approves the application, he shall issue to the applicant a certificate to that effect, which shall identify the kind of license. The applicant shall then take the certificate to the Department of Revenue and pay to that department the proper license fee. The Department of Revenue shall issue to him a receipt therefor, and upon filing such receipt with the state administrator the latter shall issue the proper license.

(2) No retail drink, retail package, or special private club license shall be issued in less than ten days or delivered in less than fifteen days from the time the application was received by the state administrator; except that a retail package, retail drink, or special private club license shall not be issued to an applicant who has not held a license during

the same or preceding license period, or for a premises for which a license has not been issued during the same or preceding license period, in less than twenty days or delivered in less than thirty days from the time the application was received by the state administrator. All remaining licenses provided for in KRS 243.030 shall be issued at any time when, in the sound discretion of the Distilled Spirits Administrator, all of the information necessary has been obtained.

§ 19. Section 243.460 of the Kentucky Revised Statutes is repealed.

§ 20. Section 243.500 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 must be revoked for the following causes:

(1) Conviction of the licensee or his agent or employe for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employes for any violations of the terms and provisions of Chapter 241, 243 or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employes shall have twice been convicted of any felony or of any midemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages.

(7) Sale of alcoholic beverages by the licensee at a price in excess of the price set by Federal or state regulations.

§ 21. Section 243.520 of the Kentucky Revised Statutes is amended to read as follows:

A state administrator or a person designated by him may, on his own initiative or on the complaint of any person, institute proceedings to revoke any license under KRS 243.020 to 243.670. Revocation shall be had only upon five days' notice to the licensee, and an opportunity shall be given him to be heard. All such hearings shall be before the board.

§ 22. Section 243.550 of the Kentucky Revised Statutes is amended to read as follows:

Hearings upon appeals from orders of a county administrator or a city administrator, a determination of a state administrator, or upon proceedings for revocation or suspension shall be held by the board. The board shall control the introduction of evidence and shall hear all arguments of the parties or their counsel as it or he deems necessary or appropriate. The procedure on such hearings shall be summary and in accordance with the regulations of the board. A record of the orders appealed from or the charges filed, of the evidence

heard and of all steps taken, shall be kept by the board. Decisions shall be made and orders entered only upon the vote of a majority of the board.

§ 23. Section 243.730 of the Kentucky Revised Statutes is repealed.

§ 24. Section 243.870 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person or persons owning any distilled spirits which were manufactured prior to National Prohibition and upon which all Federal taxes have been paid shall have the right to withdraw same for his own personal use without the payment of the Kentucky Consumer's Tax or any other excise taxes, and the proprietor of any free warehouse or of any distillery shall deliver such distilled spirits to the owner thereof.

(2) Any person so owning such distilled spirits shall before the removal of same from any distillery or free warehouse execute an affidavit and file it with the Department of Revenue to the effect that such distilled spirits will be used only for personal consumption and are not to be withdrawn for purposes of re-sale and will not be placed in the ordinary channels of trade. Upon the execution and filing of this affidavit the Department of Revenue shall issue a permit for the withdrawal of the distilled spirits and the owner of such distilled spirits shall be entitled to the immediate possession thereof and the proprietor of and bonded warehouse or distillery shall deliver same directly to the owner.

§ 25. Paragraph (b) of subsection (2) of section 243.990 the Kentucky Revised Statutes is repealed.

§ 26. Subsection (2) of section 244.120 of the Kentucky Revised Statutes is repealed.

§ 27. Section 244.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each licensee under KRS 243.020 to 243.670 shall keep and maintain open the licensed premises adequate books and records of all transactions involved in the manufacture or sale of alcoholic beverages, in the manner required by regulations of the board and the Department of Revenue. Such books and records shall be available at all reasonable times for inspection by the board and by the Department of Revenue.

(2) The commissioner shall require common carriers to provide information in such form as he deems wise respecting all shipments of alcoholic beverages to, from, or between persons in Kentucky.

§ 28. Section 244.290 of the Kentucky Revised Statutes is amended to read as follows:

No premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between midnight and 8 a. m., or at any time during the twenty-four hours of a Sunday, or during the hours the polls are open on any regular, primary, school or special election day, provided, that if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section; except that the city council, board of aldermen, or other municipal legislative body of cities of the first, second or third class in which traffic in distilled spirits and wine may be sold within its jurisdictional boundaries, and except further that the fiscal court of each county in which

cities of the first, second or third class are located shall have the exclusive right and power to establish the hours and times in which distilled spirits and wine may be sold over that portion of the county which lies without the corporate limits of such cities, except any portion in which distilled spirits and wine are prohibited from being sold. Provided, however, that no distilled spirits or wine may be sold in any portion of the counties containing cities of the first, second or third class during the twenty-four hours between 6 a. m., Sunday and 6 a. m., Monday, and that no distilled spirits or wine may be sold on any such election day while the polls are still open; and provided, also, that all stocks of distilled spirits and wine must be kept locked during the hours which the licensee is prohibited from selling same.

§ 29. Subsection (1) of section 244.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of 7 p. m. and 6 a. m. on any week day except Saturday, when the hours of deliveries shall be between 6 a. m. and midnight. No retailer shall sell, give away or deliver any malt beverages between midnight and 6 a. m. or at any time during the twenty-four hours of a Sunday or during the hours the polls are open on an election day.

§ 30. Section 47.030 of the Kentucky Revised Statutes is repealed.

§ 31. There is hereby appropriated to the Department of Alcoholic Beverage Control, for ordinary recurring expenses, for each of the fiscal years 1944-1945 and 1945-1946, the sum of $150,000. The receipts from the tax imposed by KRS 243.710, and three percent of the receipts from the tax imposed by KRS 243.720, during such fiscal years, shall be credited to this appropriation.

By Mr. Thomas.

H. B. 306. An Act relating to publication of financial statements of governmental units.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties containing a city of the first class and cities required by law to publish an annual audit of their financial affairs, of the kind and character contemplated by this section, every public officer of any county, graded school district, city, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, shall at the expiration of each year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed. The statement shall show the amount of public funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid; provided, however, that only the total of the amounts paid as salary during the fiscal year to each official or employee of the governmental unit shall be shown in the statement. The officer shall procure and include in or attach to the report as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of public funds to the credit of the officer making the statement. The officer shall, within sixty days after the close of the fiscal year, cause the statement or the complete audit report, which shall include all the information required for the statement

herein provided for, to be published in full in the newspaper published in the county that has the largest bona fide circulation in the governmental unit or district for which the statement is published, and shall file a written or printed copy of the statement or audit report and a copy of the published statement or audit report, subscribed and sworn to, in the office of the county clerk of the county in which the officer holds office.

The fiscal court of each county not containing a city of the first class shall cause to be published annually in the newspaper published in the county that has the largest bona fide circulation therein a statement showing the names of all persons returned by the sheriff on his return of tax warrants, and the amount due from each for the preceding year, with such other information as the fiscal court deems proper to be published, within 30 days after the return has been filed.

(2) All newspaper publications or advertisements required by this section and all newspaper publications or advertisements required by other laws shall be published in the newspaper published in the county which has the largest bona fide circulation in the governmental unit or district for which the publication or advertisement is required. The publications or advertisements shall be made in the size of type provided by law and at the rate provided by law, and paid for out of the funds in the hands of the officer making the publication or advertisement. If no newspaper is published in the county, the officer charged with having the publication or advertisement made shall determine how same shall be made.

(3) Any public officer who fails, refuses or neglects to comply with the provisions of this section shall be fined not less than fifty nor more than five hundred dollars. The fine shall be paid into the treasury of the county, city or other governmental unit in which the convicted officer holds office.

Section 2. Sections 92.390, 68.070 and 84.120 of the Kentucky Revised Statutes are hereby repealed, and Sub-sections (1) and (3) of Section 89.270 of the Kentucky Revised Statutes are repealed.

By Mr. Pfieffer.

H. B. 307. An Act to promote the public welfare, comfort, health and safety.

Said bill is as follows, viz.:

WHEREAS, the safety of all children is greatly endangered by their walking along highways without sidewalks to and from school and their health is greatly endangered in inclement weather;

WHEREAS, such bus transportation is now furnished to children attending the common schools and can be furnished with little or no additional cost to children attending schools other than common schools under the compulsory school attendance laws of the Commonwealth of Kentucky and travelling the same routes:

WHEREAS, the cost of present bus transportation to the common schools is paid out of school funds, but the cost of transportation to other schools approved under the compulsory school attendance laws, can legally be paid from general funds only,

NOW, in order to facilitate their compulsory attendance at some school and to give aid and protection to children on the highways.

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Each county shall furnish transportation from its general funds, and not out of any funds or taxes raised or levied for educational purposes or appropriated in aid of the common schools, to supplement the present school bus transportation system for the aid and benefit of all pupils of elementary grade attending school in compliance with the compulsory school attendance laws of the Commonwealth of Kentucky who do not reside within reasonable walking distance of the school they attend and where there are no sidewalks along the highways they are compelled to travel; and any county may provide transportation from its general funds to supplement the present school bus transportation system for the aid of any pupil of any grade who does not live within reasonable walking distance of the school attended by him in compliance with the compulsory school attendance laws and where there are no sidewalks along the highway he is compelled to travel.

By Mr. Hammons.

H. B. 308. An Act relating to motor vehicles.

Said bill is as follows, viz.:

Be in Enacted by the General Assembly of the Commonwealth of Kentucky:

1. Subsection (1) of Section 186.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the owner or operator of a motor vehicle other than a motor vehicle registered under KRS 281.480 or a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity or permit issued by the Division of Motor Transportation, may operate it or permit its operation upon a highway, the owner shall apply for registration to the county court

clerk of the county in which he resides or in which the motor vehicle is to be operated, on a blank furnished by the Department of Revenue through the clerk. For a motor vehicle previously registered in the state, the owner's registration receipt shall be considered the application; and for a new motor vehicle purchased in the State, the bill of sale shall be considered the application. For a motor vehicle purchased outside the State, the application shall be accompanied by the bill of sale, or by a certificate of title, or by the owners' registration receipt if previously registered. Following initial registration, the owner shall register his motor vehicle on or before March 1 of each year. Registration with the county court clerk shall be deemed to be registration with the Department.

2. Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be two dollars, and for each sidecar attachment one dollar.

(3) Every motor vehicle not classed as a passenger automobile by subsection (1), and designed, equipped or used primarily for carrying freight, goods, wares or merchandise, is classed as a truck and the term "truck" shall include a tractor and trailer or semi-trailer combination, as well as a single unit; and every motor vehicle designed primarily for carrying persons other than those vehicles classed as passenger automobiles by subsection (1) and those exempted from registration by KRS 186.020, is classed as a bus.

(4) Except as provided in subsection (6) to (9) of this section, the annual registration fee for trucks and busses shall be composed of a basic registration fee plus a weight fee, to be determined by the declared gross weight, which shall include in addition to the weight of the vehicle, the weight of the load, driver and any passenger carried by the vehicle. No truck or bus may be registered and licensed for a declared gross weight less than the combined weight of the empty vehicle and the weight equivalent of the manufacturer's rated capacity. The weight of the empty vehicle shall be not less than the shipping weight for the given vehicle as shown in the manual adopted and used by the Department of Revenue.

(5) (a) The annual registration fee for every truck or bus equipped with pneumatic tires and using fuel consisting of gasoline, except as provided in KRS 281.480 and in subsections (6) to (9) of this section, shall be as provided in the schedule which follows:

PRIVATE CARRIERS

Declared Gross Weight	Basic Registration Fee	Weight Fee	Total License Fee
2,500 lbs. or less	$ 7.50		$ 7.50
2,501 lbs. to 5,000 lbs.	10.00		10.00
5,001 lbs. to 8,000 lbs.	22.00		22.00
8,001 lbs. to 12,000 lbs.	35.00		35.00
12,001 lbs. to 18,000 lbs.	40.00	$ 12.00	52.00
18,001 lbs. to 24,000 lbs.	50.00	50.00	110.00
24,001 lbs. to 30,000 lbs.	75.00	50.00	125.00
24,001 lbs. to 30,000 lbs.	75.00	50.00	125.00
30,001 lbs. to 36,000 lbs.	90.00	60.00	150.00
36,001 lbs. to 40,000 lbs.	100.00	75.00	175.00
40,001 lbs. and over	115.00	85.00	200.00

CARRIERS OPERATING "FOR HIRE," AS DEFINED IN KRS 281.010

Declared Gross Weight	Basic Registration Fee	Weight Fee	Total License Fee
2,500 lbs. or less	$ 7.50	$ 2.50	$ 10.00
2,501 lbs. to 5,000 lbs.	10.00	5.00	15.00
5,001 lbs. to 8,000 lbs.	22.00	18.00	40.00
8,001 lbs. to 12,000 lbs.	35.00	35.00	70.00
12,001 lbs. to 18,000 lbs.	40.00	60.00	100.00
18,001 lbs. to 24,000 lbs.	50.00	125.00	175.00
24,001 lbs. to 30,000 lbs.	75.00	160.00	235.00
30,001 lbs. to 36,000 lbs.	90.00	210.00	300.00
36,001 lbs. to 40,000 lbs.	100.00	250.00	350.00
40,001 lbs. and over	115.00	285.00	400.00

(b) For a gasoline-operated truck or bus wholly or partly equipped with solid tires, the total fee shall be double the fee shown in the schedule.

(c) For a truck or bus powered by diesel motor or by engine using diesel fuel, octane gas or any distillate other than gasoline, the fee shall be the fee shown in the schedule plus sixty per cent in addition, and if such truck or bus is wholly or partly equipped with solid tires the fee shall be double the regular fee for diesel vehicles.

(d) For an electrically-propelled vehicle equipped with pneumatic tires, the fee shall be double the fee shown in the schedule, and if equipped wholly or partly with solid tires the fee shall be triple the fee shown in the schedule.

(6) Any farmer owning a truck having a capacity of 3,000 pounds or less may have it registered as a farmer's truck

and obtain a license for $4.50 by filing with the county court clerk, in addition to other information required, an affidavit stating that he is a farmer engaged in the production of crops, livestock or dairy products, that he owns a truck of the capacity of 3,000 pounds or less, that he has caused to be printed upon each side of the cab of the truck the words "Farmer's Truck" in letters of conspicuous color not less than six inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed, and machinery used in operating his farm, and the products grown on his farm.

(7) Any person owning a truck or bus used solely in transporting school children and school employees may have the truck or bus registered as a school bus and obtain license for $4.50 by filing with the county court clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the cab of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color, and that the truck or bus will be used during the next twelve months only for the purpose stated.

(8) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county court clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that

during the next twelve months the truck or bus will be used only for the purpose stated.

(9) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $4.50 by filing with the county court clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

3. A new section of the Kentucky Revised Statutes is created to be numbered KRS 186.055 and read as follows:

(1) No person shall operate upon a highway any truck or bus having a gross weight greater than that for which the truck or bus has been registered under KRS 186.050.

(2) Any enforcement officer designated by KRS 281.370 may stop, inspect and weigh any truck or bus in order to determine whether its gross weight exceeds the declared gross weight for which it has been registered. If it is necessary for any truck or bus to be taken to a scale, it shall be taken to the most convenient scale. If any truck or bus is found on the highways having a gross weight greater than that for which it is licensed, the operator shall be arrested and promptly taken before a court having jurisdiction of the offense.

(3) Any person convicted of violating subsection (1) of this section shall, if he pays the fine imposed under paragraph (b) of subsection (1) of KRS 186.990, on the day the fine is imposed, be given a receipt by the judge of the court in which the conviction was had, which shall entitle the person to operate the vehicle and load in question for a period not

exceeding five days. Any person convicted of violating subsection (1) of this section shall, notwithstanding the fine, obtain a license based on the gross weight of the vehicle at the time of the violation, and shall pay the full registration fee for the year on such weight.

4. A new section of the Kentucky Revised Statutes is created to be numbered KRS 186.235 and read as follows:

No county clerk shall issue a license for a truck to be operated "for hire," as defined in KRS 281.010, until he receives from the registrant the authorization from the Division of Motor Transportation provided for in KRS 281.490. The clerk shall attach the authorization to the triplicate copy of the truck registration certificate filed in his office.

5. A new section of the Kentucky Revised Statutes is created to be numbered KRS 186.175 and read as follows:

Every truck required to be licensed under the declared gross weight provisions of KRS 186.050 shall, in addition to displaying a plate or other insignia evidencing registration, have painted on the cab door or immediately in front of the cab door on each side of the vehicle, in conspicuous color, in letters not less than six inches high, the maximum declared gross weight, and if operating under a certificate of convenience and necessity issued by the Division of Motor Transportation, the words "for hire." The registration certificate or any transfer certificate shall be kept in the truck at all times and shall be available for inspection.

6. Section 186.260 of the Kentucky Revised Statutes is amended to read as follows:

KRS 281.370 shall apply in the case of arrests and bail for a violation of any of the provisions of KRS 186.020 to 186.260, except as otherwise provided in KRS 186.055.

7. Subsection (1) of section 186.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.060, 186.070, 186.080, 186.110, 186.130 to 186.180, 186.210, 186.230, or 186.250 shall be fined not less than ten nor more than one hundred dollars for each offense.

(b) Any person who violates any of the provisions of subsection (1) or (3) of KRS 186.055 shall be fined not less than the amount of the registration fee due according to the gross weight of the vehicle in question at the time of the violation, giving credit for the registration fee paid by such person on the declared gross weight at the time of registration. The court which renders a conviction under this paragraph shall notify the Department of Revenue as provided in KRS 186.250.

8. Section 281.370 of the Kentucky Revised Statutes is amended to read as follows:

Any peace officer, including sheriffs and their deputies, constables and their deputies, police officers and marshals of cities or incorporated towns, county police or patrols, and special officers appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles, now existing or hereafter enacted, shall be authorized, and it is hereby made the duty of each of them, to enforce the provisions of this chapter and to make arrests for any violation or violations thereof, and for violations of any other law relating to motor vehicles, without warrant if the offense be committed in his presence, and with warrant or summons if he does not observe the commission of the offense; except that enforcement of laws relating to the registration and licensing of trucks according to declared gross weight, under KRS 186.050 and 186.055, shall be limited to representatives

of the Highway Patrol and the Department of Revenue, sheriffs and their deputies, county police and police officers and marshals of all incorporated cities. When in pursuit of an offender for any offense committed within his jurisdiction, any such officer may follow and effect an arrest beyond the limits of his jurisdiction. If the arrest be made without warrant, the accused may elect to be taken immediately before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him. If the accused elects not to be so taken, then it shall be the duty of the officer to require of the accused a bail-bond in a sum not less than five hundred dollars, conditioned that the accused binds himself to appear in the court of jurisdiction at the time fixed in the bond, not however in any case later than six days from the day of arrest. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within eighteen hours after taking such bond.

9. Section 47.020 of the Kentucky Revised Statutes is amended to read as follows:

One-half of all revenue raised by the fees imposed by subsections (6) to (9) of KRS 186.050, and by the basic registration fee imposed by subsection (5) of KRS 186.050 shall be evenly distributed among all the counties for the county road funds.

10. Subsection (7) of section 281.460 of the Kentucky Revised Statutes is amended to read as follows:

If, after notice and hearing, the director finds that any person holding an authorization under KRS 281.450 has violated any of the provisions of KRS 281.450 to 281.470, the

director shall cancel the authorization issued to such person. After cancellation, such person may not ask for a renewal of his authorization for a period of six months. Any person whose authorization is canceled by the director may appeal to the Franklin Circuit Court, where the case shall be tried de novo.

11. Section 281.290 of the Kentucky Revised Statutes is amended to read as follows:

The Division of Motor Transportation shall prescribe and furnish a distinguishing plate or plates which shall at all times be displayed on each motor vehicle authorized to be operated under a certificate or permit to carry passengers for hire. No person shall transfer such plates from one vehicle to another except by the authority and with the consent of the Division.

12. Section 281.480 of the Kentucky Revised Statutes is amended to read as follows:

The license fee imposed by subsection (5) of KRS 186.050 does not apply to motor vehicles operated by a common carrier of property for hire under a certificate issued by the Division of Motor Transportation where such motor vehicle does not enter the State of Kentucky a distance of more than fifteen miles from its point of entry into this State, but such motor vehicle shall be registered annually with the Division of Motor Transportation and an annual registration fee of ten dollars paid therefor. The Division of Motor Transportation shall thereupon issue an evidence of such registration which shall at all times be prominently displayed on such vehicles while in this State.

13. Section 281.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) As a condition precedent to registration with the county court clerk of each truck required to be licensed under

KRS 186.050, every common carrier and every contract carrier primarily engaged in transporting property for hire shall apply for and receive from the Division of Motor Transportation an authorization for such registration. The authorization shall include the name and address of the carrier, the certificate or permit number, the make, year made, model and motor number of the truck to be registered and shall state that all insurance and other certificate or permit requirements have been met.

(2) In addition to any other penalties, any misrepresentation in an application for authorization to register a truck shall be grounds for the revocation of the permit or certificate in the manner provided by KRS 281.130.

14. Section 281.500 of the Kentucky Revised Statutes is repealed.

15. Section 186.030 of the Kentucky Revised Statutes is amended to read as follows:

The application blank shall contain blank spaces for, and the applicant shall fill in the owner's name and post office address, the name of the manufacturer of the motor vehicle, motor number, car or chassis number if any, model and year number, horsepower as rated by the Society of Automobile Engineers(motive power, style, and, if the motor vehicle is a truck, the shipping weight of the truck and the tonnage capacity as rated by the manufacturer.

By Mr. Swope.

H. B. 309. An Act to amend and re-enact Sections 186.020, 186.180, 186.190 and 186.200 of KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That section 186.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the owner or operator of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration to the county clerk of the county in which he resides or in which the motor vehicle is to be operated, on a blank furnished by the department through the clerk. The application shall be accompanied: (a) By a bill of sale if the application is for registration of a new motor vehicle; (b) By the owner's registration receipt if the motor vehicle was registered and purchased by him before the effective date of this Act; (c) By the registration receipt and the bill of sale if the motor vehicle is not new and was purchased by him after the effective date of this Act. After that, he shall register his motor vehicle on or before March 1 of each year. In so far as the owner is concerned, registration with the clerk shall be deemed to be a registration with the department.

(2) If an owner because of sickness or absence from the state is unable to renew the registration of his motor vehicle on or before March 1, he will be deemed to have complied with the law, if before operating the motor vehicle in this state he registers it at some later date and pays the fee for the full year, just as though he had renewed the registration on or before March 1. The owner shall file with the application an affidavit showing sickness or absence.

Sec. 2. That section 186.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the owner loses his registration receipt, or his bill of sale, he may obtain a duplicate from the clerk upon filing a written statement as to the loss, upon a form furnished by the department, through the clerk, and he shall pay to the clerk a fee of fifty cents for each duplicate.

(2) A lost registration plate shall be duplicated by the department and furnished to the original owner by the clerk, when the owner makes a written statement as to the loss of the plate and pays the sum of fifty cents for each plate. Upon receipt of this sum, the clerk shall issue a receipt, and the owner shall pay the clerk fifty cents for this service. The possession of this receipt by the owner shall permit him to operate his motor vehicle upon the highways until he receives his duplicate plate, but he must display his registration number on a temporary plate, with the said number legibly printed, stamped or painted on heavy cardboard or other substantial material. The clerk, upon receipt of the duplicate plate shall immediately notify the owner by mail, and the owner shall within five days return the receipt to the clerk and receive the duplicate. For this service the owner shall pay the clerk the sum of fifty cents.

Sec. 3. That section 186.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever a motor vehicle that has been previously registered changes ownership, the registration plates shall remain upon the motor vehicle as a part of it until the expiration of the registration year.

(2) No person acting for himself or another shall offer for sale or trade any motor vehicle without then and there having in his actual physical possession the clerk's receipt for the registration fee for the current year and the bill of sale.

(3) No person shall sell or trade any motor vehicle without transferring by indorsement of the owner and de-

livering to the purchaser, the clerk's receipt for the registration fee for the current year.

(4) No person acting for himself or another shall buy or trade for any motor vehicle without receiving the clerk's receipts for the registration fee for the current year, indorsed as provided by subsection (3).

(5) Upon such change of ownership the purchaser, as the applicant for transfer of registration, shall present to the clerk the indorsed receipt of the original owner together with a copy of bill of sale, both of which the clerk shall retain. The purchaser shall accompany them with a transfer fee of one dollar, for which the clerk shall issue a receipt bearing the same data as is required on the original receipt except the change in name or address. For the clerk's services in issuing the receipt the purchaser shall pay him a fee of fifty cents. The purchaser shall have in his possession a receipt showing the transfer before the motor vehicle is operated upon any highway.

(6) If the purchaser junks or otherwise renders the motor vehicle unfit for future use, he may, by immediately delivering to the clerk the registration plates, indorsed receipt and the second copy of the bill of sale, be relieved of the duty of transferring registration. The clerk shall then immediately return the plates, receipt and copy of the bill of sale to the department. For these services, the purchaser shall pay the clerk the fee of fifty cents.

(7) No licensed automobile dealer shall be required to pay the fees provided by this section.

Sec. 4. That section 186.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The bill of sale provided for by KRS 186.190 shall contain the date, vendee's name and post office address, ven-

dor's name and post office address, the occupation of each, the consideration paid, any deferred payments and to whom payable, and the information provided for in KRS 186.030 and shall be subscribed and sworn to before any officer authorized to administer an oath.

(2) No person for himself or his employe or agent or as an officer of any court, shall sell, trade, transfer or deliver any motor vehicle without at the time making a bill of sale in triplicate and delivering two copies thereof to the purchaser. The purchaser shall retain one copy as evidence of ownership and shall deliver the second copy to the clerk upon application for original registration or as part of application for transfer of registration. The seller shall immediately deliver the third copy to the clerk.

By Mr. Hunt.

H. B. 310. An Act to promote safety in the operation of power plants.

Said bill is as follows, viz:

SECTION I

Declaration of Policy:

The purpose of this Act is to promote the safety, health, peace and general welfare of the public and of industrial employers and employees by promoting safe, sanitary and desirable conditions and competent operators in heating plants, power plants, industrial plants, factories, office buildings, institutions and other places in which a stationary steam boiler or boilers, engine or engines, having either steam or other motive power, of more than thirty (30) horse power, with more than fifteen pounds gauge per square inch are maintained or operated.

SECTION II

There is hereby created an Agency of the State Government denominated the Kentucky State Board of Stationary Steam Engine and Boiler Operator Examiners. Where the word "Board" is used in this Act, shall be taken and construed to mean the Kentucky State Board of Stationary Steam Engineer and Boiler Operators Examiners.

The Board shall consist of five members, all of whom shall be appointed by the Governor; one of whom when appointed shall be designated and known as Chairman and Chief Examiner of Stationary Power Engineer and Boiler Operators Examiners. At least two of the Board members shall be members of the International Brotherhood of Firemen and Oilers, and not more than three members of the Board shall belong to the same political party.

Members of the Board shall have the following qualifications, namely, shall be:

(1) A citizen of the United States of America, at least twenty-five (25) years and a good moral character;

(2) Who shall have been a resident engaged as a Stationary Steam Engineer or Boiler Operator in the Commonwealth of Kentucky for a period of at least seven (7) years immediately prior to his appointment.

(3) Each member of the Board shall continue a resident of this Commonwealth during his tenure of office; upon his removal from the State, his office shall thereupon become vacant.

The Governor shall, on or before July 1, 1944 appoint the members who compose the Board and the term of each member shall be, beginning with the date of his appointment and qualification, four years and until his successor is appointed and qualified. Members of the Board shall be eligible for reappointment.

Members of the Board appointed by the Governor to fill vacancies shall hold office during the unexpired term of their predecessor and be eligible for reappointment.

The Governor shall have the power to remove any member of the Board from office who is found guilty of violating this Act or of malfeasance, misfeasance or non-feasance in office, or for gross neglect of official duty. Before such removal, proof of such guilt shall be given the Governor either orally under oath or in the form of affidavit and such member shall be given reasonable opportunity to answer the charges made.

Each member of the Board shall receive for his services $10.00 (Ten) Dollars per day while performing his duties, and his necessary expenses.

The Chief Examiner may call a meeting of the Board by notifying each member thereof, of the date and place of said meeting, or a written notice from the Board's Secretary, to all members thereof, signed by three members of the Board will legally convene said Board for the purpose of performing all the duties and exercising all the powers conferred upon it, by this Act.

No business shall be transacted in the name of the Board, unless a quorum or three members be present at the meeting.

An Executive Secretary, who shall have active charge of the office, shall be appointed by the Board; he may be either a member or a non-member of the Board, and shall receive for his services $3,000 (Three Thousand) dollars per annum and his necessary expenses in performing his duties.

The Board is empowered and authorized to employ necessary clerical and stenographic help, assistant inspectors and other employees and fix their compensation according to law. Such employees in addition to regular pay shall receive their actual necessary expenses incurred in performing their duties, to be paid only upon itemized statements verified by oath of employee to whom paid and subject to approval or rejection in whole or in part by the Director of Finance.

There is hereby created and established a fund of three thousand dollars ($3,000) to be paid out of the Treasury of the Commonwealth of Kentucky, on or before July 1, 1944. Such monies are to be used in obtaining necessary offices, office equipment and supplies for the Board and in payment of its current expenses, including necessary clerical, stenographic and other employees. The office of the Board shall be established and kept at such city in Kentucky as the Board or a majority thereof shall designate.

The Board shall keep at its office, accurate and complete records of all its proceedings, relating to the issuance, refusal, renewal, suspension and revocation of license. The records shall contain the name, place of business and residence of each licensed apprentice, stationary boiler operator and stationary engineer. All records shall be public records, open to public inspection at all reasonable times.

SECTION III

The Board is authorized to make and promulgate, from time to time, such reasonable rules and regulations as in its opinion may be necessary and not inconsistent with this Act or in conflict with law, for the purpose of effectively enforcing the provision of this Act.

The Board is authorized and empowered to adopt, prescribe, promulgate and enforce such reasonable rules of operation for stationary engineers and boiler operators as it may deem necessary, with particular reference to precautions essential to safety and to prevent the destruction of human life and property.

A copy of any rule or regulation adopted and promulgated by the Board, as provided in this Act, shall be furnished the duly licensed Stationary Engineers and Boiler Operators and the employers thereof; and each licensed Stationary Engineer and Boiler Operator shall post and display his license and the Boards' rules and regulations in a con-

spicuous place in the engine or boiler room where said licensee works.

Any member of the Board, or its agent or assistants, when authorized in writing by the Board, shall have authority to enter at all reasonable hours in the day or night upon the premises and into any plant, factory, building or institution equipped with any steam engine or boiler for *purposes of official checking and inspection.*

If in making an inspection, any member of the Board or its agent or representative shall find any dangerously defective or inadequate boiler, engine, machinery or appliance, he forthwith shall make a written report to the Board setting forth such condition, and upon receipt thereof, by the Board, a copy of the report shall be mailed to the Fire Marshal of the State.

SECTION IV

Engineers, firemen and boiler operators of locomotive engines and machinery, while in the proper discharge of their professional duties on such locomotives are exempt from the provisions of this Act. Nor shall this Act apply to the owners or users of locomotive engines or machinery in their transportation activities or operation.

Duly authorized engineer and boiler operators employees of the United States Government are exempt from the provisions in this Act.

After July 1, 1944, it shall be unlawful for any person without having a license as in this Act provided to operate within the Commonwealth of Kentucky any stationary steam boiler or boilers, engine or engines, of more than thirty (30) horse power, having more than fifteen pounds of gauge per square inch.

After July 1, 1944, it shall be unlawful for any employer to employ any person without a license as in this Act provided, to operate any stationary steam boiler or boilers, engine or engines of more than thirty (30) horse power,

having more than fifteen (15) pounds of gauge per square inch, or for any owner of such boiler or boilers, engine or engines, to permit any such unlicensed person to operate the same.

No person shall operate a stationary refrigerating machine irrespective of motor power of more than (15) fifteen tons refrigerating capacity on a stationary internal combustion engine of more than (150) one hundred and fifty horse power or an air compressor used in any stationary power plant which requires (30) thirty horsepower or more to drive same and operating in excess of (50) fifty pounds gauge pressure per square inch without obtaining a license to do so as provided in this Act. A horse power as used in this section shall mean (10) ten square feet of boiler heating surface. A horse power or capacity as applied to refrigeration internal combustion engines, air compressors, hydraulic equipment and motors, shall be based upon manufacturer's rating. No owner, user or agent of an owner or user of any such equipment as mentioned in this Act shall permit it to be operated unless it is directly in charge of a duly licensed engineer.

SECTION V

Definition:

Power Plant as used in this Act includes Steam Boiler, engines, turbines, pumps, motors, and air compressor and refrigeration exceeding one hundred (100) tons pressure, having steam, gas, oil or electricity as motive power; and a first class stationary engineer is defined to be a person who operates and maintains, or who supervises any stationary power plant or number of plants constituting a power system, having a plant horse power of manufacturer's rating, exceeding seven hundred and fifty (750) with boiler steam pressure exceeding fifteen (15) pounds gauge per square inch, and who shall have had at least five years of plant operating experience during which time he shall have had experience in

handling the aforementioned type of equipment either as engineer in charge of a plant with a minimum plant horse power of seven hundred and fifty (750), or as operating, running or watch engineer under a chief engineer's jurisdiction.

A second class operating stationary power plant engineer is hereby defined to be a person who operates and maintains or supervises a stationary power plant as defined in this Section, having a plant horse power not exceeding seven hundred and fifty (750) maximum, nor with air compressure or refrigeration system exceeding 100 tons limit, and having a steam pressure exceeding 15 pounds gauge per square inch, and who shall have had at least three years of plant operating experience during which time he shall have had experience in handling the aforementioned type of equipment as outlined in this paragraph, either as engineer in charge of a plant with a maximum plant horse power of 500, or as operating, running or watch engineer or boiler operator under a chief engineer's jurisdiction.

A stationary boiler operator is hereby defined to be a person who operates or maintains any and all stationary boiler plants having a combined plant horse power up to and including 500 horse power or less, unless he is under the direct supervision of a first or second class operating engineer and who shall have had at least one year's experience as an apprentice.

An apprentice boiler operator is hereby defined to be a person entering into a plant under the direct supervision of a licensed boiler operator or engineer for the purpose of learning the boiler operation of a stationary power plant. Any person operating a plant of less horse power that is subject to regulation under this Act may register and receive credit as an apprentice under the provisions of this Act.

SECTION VI

Applications, Examinations and Licenses:

The Board shall provide a standard form for examination, composed of a questionnaire containing such interrogatories as in the opinion of the Board may be necessary to disclose the degree of experience, qualification and competence of the applicant to perform the duty of a Stationary Engineer and Boiler Operator.

All applications for examination or for license to engage in the business of a Stationary Power Engineer or Boiler Operator shall be made on printed forms furnished by the Board; said forms shall require the applicant to set forth his name, experience, age, citizenship, schooling and such other reasonable information as the Board may deem pertinent.

The proper examination fee or license fee must accompany each application in the form of a United States Postal Money Order, Certified Check or cash sent by Registered Mail.

The fee for all examinations shall be $7.00; in the event an applicant shall fail to pass upon first examination, he shall be entitled to take within one year as many as two additional examinations without payment of an additional examination fee.

Original license or licenses shall be granted persons qualifying to operate in power plants as herein specified upon the payment of the following amounts:

First Class Engineer's License.....$3.00 (Three) Dollars

Second Class Engineer's License.... 3.00 (Three) Dollars

Boiler Operator's License..... 2.00 (Two) Dollars

and license shall be renewed annually by all persons operating as Engineers or Boiler Operators as herein described, in accordance with the above license fee schedule. Any person desiring to become an apprentice boiler operator must register with the Board on forms provided by it. The Board

will not recognize or give credit for time spent in plants prior to said registration with the Board. No fee shall be charged for apprentice registration.

All fees, income and revenue received by the board shall be applied first to payment of the expenses of the Board, including salaries, and the pay of employees: The Board shall be self sustaining and its members and employees shall be paid only from the funds received by it. If after paying all annual expenses, the Board has accumulated any excess above $18,000 (Eighteen Thousand) dollars, such excess above said sum shall be covered into the State Treasury as part of the general revenue of the Commonwealth. All funds not in excess of $18,000 (Eighteen Thousand) dollars shall be deposited with the State Treasurer, to the Board's account. Unless there is some legal dispute or question concerning them, all funds received by the Board shall be forwarded the State Treasurer at least once every (60) sixty days.

An applicant establishing his qualifications upon examination to operate a steam boiler or engine as described in this Act, shall be entitled upon payment of the license fee to receive a license to run for one year, and the Board shall not arbitrarily refuse to issue a license to any applicant standing a satisfactory examination and meeting the requirements of the Act and the lawful regulations of the Board made under authority of the Act.

Original license shall be granted without examination to all Stationary Power Engineers and Boiler Operators who are twenty-one years of age, who shall be employed and operating as such in the Commonwealth of Kentucky on July 1, 1944.

Original license shall be granted without examination to all Stationary Power Engineers and Boiler Operators who have had at least one year's experience in this Commonwealth, prior to July 1, 1944, providing such experience has been within the five years immediately prior to the passage of this Act.

All applications for original license (without examination) must be made within twelve months after this Act becomes effective on forms provided by the Board of Examiners: Should the applicant be in the Military Service of the United States of America at the time this Act becomes effective, then said applicant may make application for original license (without examination) any time within six months after his discharge therefrom.

The Board shall have power to refuse to issue or renew or it may suspend or revoke any license it has issued to any Stationary Engineer or Boiler Operator for any one or more of the following causes:

(a) License obtained through fraud.

(b) Conviction of the licensee for a felony shown by a certified copy of the Court of Conviction.

(c) Such habitual drunkeness or habitual addiction to morphine or other habit forming drugs as to render the licensee unfit to perform his occupational duties.

(d) Permitting through neglect the existence of a known, dangerous or hazardous condition in boiler room or engine room equipment.

(e) Permitting the water to get too low in the boiler.

(f) Carrying a higher pressure of steam in the boiler than is allowed by law or known to be safe.

(g) Unnecessary absence from post of duty.

(h) Wilfully leaving boilers, machinery or other equipment before said boiler and equipment are in a safe condition to be left alone, or before they are under the actual control, supervision and management of a properly licensed person.

(i) Insanity shown by a certified copy of the Court's adjudication.

(j) The violation of this Act or the adopted rules and regulations of the Board, or gross neglect of his duties as such operator.

A person having had license or experience as Stationary Power Engineer or Boiler Operator in another State or Country, may, upon passing the required examination and otherwise qualifying as herein provided, be issued a Kentucky license.

The Board shall not refuse to issue or renew any license nor shall it suspend or revoke any license for any cause unless the person objected to has been given a notice in writing of the grounds of such refusal or of such suspension or revocation and allowed a period of ten days in which to appear and present his defense to such proposed action. All Trials of refusals of licenses or suspension or revocation shall be heard publicly by the Board.

SECTION VII

At least once each calendar year and at such additional times, as in the opinion of the Board may be necessary, the Board shall by written order duly made, set a time and place for holding examinations and receiving applications for licenses in different sections of the State.

Such hearings shall be after due and timely notice of the time and place by publication of such order in some newspaper of general circulation in the section designated.

SECTION VIII

Any person, co-partnership, firm or corporation violating any of the provisions of this Act, for which no other penalty is provided by Law of this Commonwealth, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25.00 (Twenty-Five) dollars, nor more than $100.00 (One hundred) dollars, for each offense. Each day's violation of any provision of this Act shall constitute a separate offense.

SECTION IX

Separability Provision—If any provision of this Act or the application thereof to any person or circumstances is held unconstitutional or otherwise invalid, the remaining provisions of the Act and the applications of such provisions to other persons or circumstances shall not be affected thereby.

SECTION X

Repeal of conflicting Acts—All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

By Mr. Marcum.

H. B. 311. An Act relating to motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The operator of a motor vehicle for hire, for passengers, as a common carrier or contract carrier, on the highways of this state, shall pay to the Director of the Division of Motor Transportation, in addition to the taxes provided in Chapter 281 of the Kentucky Revised Statutes of 1942, a mileage tax of one cent for each mile traveled by the motor vehicle over the highways of this state.

§ 2. Regulations for the administration of this Act shall be provided by the Public Service Commission of Kentucky.

§ 3. At the end of each month, the operator of a passenger motor vehicle for hire as a common carrier or contract carrier, on the highways of this state, shall report to the Public Service Commission the number of miles travelled during that month by the vehicle. The Public Service Commis-

sion shall promptly check such reports and send them to the Division of Motor Transportation for collection.

§ 4. The definitions in KRS 281.010 are to be used in construing the terms of this Act insofar as they are applicable.

By Mr. Marcum.

H. B. 312. An Act relating to penalties for violation of compulsory school attendance statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 159.990 is amended to read as follows:

(1) Any parent, guardian or custodian who willfully fails to comply with the requirements of KRS 159.010 to 159.170 shall be fined not more than twenty-five dollars for each offense. The court trying the case may suspend enforcement of the fine if the child is immediately placed in attendance at a school, and may finally remit the fine if the attendance continues regularly for the full school term. School attendance may be proved by an attested certificate of the principal or teacher in charge of the school.

By Mr. Call.

H. B. 313. An Act relating to teaching of the Conservation and Preservation of Natural Resources in Public Schools.

Said bill is as follows, viz.:

WHEREAS, the natural resources of this State, forests, soil, water, minerals and wild life, have been exploited and destroyed so that coming generations will be deprived of their sources of economic welfare, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Instruction in all phases of conservation and preservation shall be included in the curriculum of the public schools of Kentucky; and text books regarding the proper use and protection of forests, soils, water, minerals and wild life shall be prepared or selected by the State Board of Education for this purpose.

By Mr. Walters.

H. B. 314. An Act to regulate, control and fix standard weights of wheat flour, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 363.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The standard measure of wheat flour shall be containers of net avoirdupois weights of two (2), five (5), ten (10) twenty-five (25), fifty (50) and one hundred (100) pounds. The term "wheat flour" as used herein means: plain wheat flour, self-rising wheat flour, phosphated wheat flour, bromated wheat flour, enriched wheat flour, enriched self-rising wheat flour and enriched phosphated wheat flour as defined in the standards of identity promulgated by the Federal Security Agency under date of May 26, 1941 (Volume 6, Federal Register, pages 2574 to 2582 inclusive or as they may be amended.

(2) Each container shall have its net weight, and the name and address of the actual manufacturer printed or plainly marked on it in letters and figures clearly legible.

(3) No person shall pack for sale, sell or offer for sale in Kentucky any wheat flour except in containers of the above standard net weights and above described labeling provisions.

(4) The provisions of this section do not apply to the retailing of flour direct from the manufacturer to the consumer, nor to the sale of flour to the bakery trade, nor to the exchanging of wheat for flour, nor to flour packed in cartons the net contents of which are five (5) pounds or less.

§ 2. This Amendment shall take effect six (6) months after the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States on May 27th, 1941.

By Mr. Wagner.

H. B. 315. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 141.070 to 141.220, inclusive, and sections 141.230 and 141.990, of the Kentucky Revised Statutes of 1942, are repealed.

By Mr. Rhoads.

H. B. 316. An Act relating to service of process on nonresident persons, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 51, subsection 6 of Carroll's Code is repealed, amended and re-enacted, and when so repealed, amended and re-enacted shall read as follows:

When a corporation, association, company or individual has, for the transaction of any business, an office or agency in any county of this state other than that in which the principal resides, service of process may be had on any agent or clerk employed in such office or agency, in all actions growing out of or connected with the business of that office or agency.

By Messrs. Rhoads and E. V. Taylor.

H. B. 317. An Act relating to public libraries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions:* As used in this Act, unless the context requires a different meaning:

(1) "Governmental unit" means any county or city;

(2) "Legislative body" means the governing body of a governmental unit; and

(3) "Library" means a free public library supported in whole or in part with money derived from taxation, and governed by a board as provided for in Section 5 of this Act.

Section 2. *Furnishing of Library Service; Methods:* Any governmental unit with a minimum assessed valuation of $5,000,000 may provide library service for its inhabitants according to any one of the following methods:

(1) The legislative body on its own initiative may establish an independent library.

(2) Upon receipt of a petition signed by a number of taxpayers equal to five (5) per cent of the number of votes

cast for officers in the last general election of such governmental unit, the legislative body shall submit the question to a vote at the next general election. If a majority of those voting on the question vote in favor of the proposition, the legislative body shall forthwith establish a library, except as provided in subsection (4) of this section.

(3) The legislative bodies of two or more adjacent counties may on their own initiative, or upon a petition and vote in each county as provided in subsection (2) above, or upon the initiative of some legislative bodies and petition and vote in others, join in establishing and maintaining a regional library, provided the aggregate assessed valuation of the property assessable for local taxation in such counties is a minimum of $10,000,000, and subject to the provisions of Section 3 of this Act.

(4) The legislative body of any governmental unit may on its own initiative contract to receive service from an existing nearby library, the library of a nearby institution of higher learning, the State Library Extension Division, or from a nearby library not owned by a governmental unit but which provides free service, each of these having reciprocal power to render the service. In the event of a petition and vote as provided by subsection (2), a legislative body shall have the privilege of providing library service by contract in lieu of establishing an independent library.

When any one of the above methods has been compiled with, the legislative bodies of the governing units shall at once make the necessary appropriation or levy to establish and maintain such library service annually and perpetually.

Section 3. *Regional Library:* The establishment of a regional library shall be by contract, in writing, by the legislative bodies of the counties. The expenses of the regional library shall be apportioned between the contracting parties concerned in proportion to the taxable property of each as

shown by their respective assessments and as shall be agreed upon in the contract. The treasurer of one of the counties, as provided in the contract, shall have the custody of the funds for the regional library; and the treasurers of the other counties concerned shall transfer to him as collected all the moneys received for public library purposes and interest from library funds in their respective governmental units. The contract for a regional library shall continue in force for a period of five (5) years and no county shall be permitted to withdraw without the consent of all the other participating counties during the five (5) year period. If the legislative body of a county decides to withdraw from a regional library contract, it shall be entitled to a division of the property on the same basis as its contributions, such division being completed within six (6) months from the withdrawal date. If no unit withdraws, at the end of the five (5) year period, the contract shall continue in force for a like period.

Section 4. *Contract Service:* A contract for library service made pursuant to subsection (4) of Section 2 shall require the existing library to perform all the functions of a library within the governmental unit wanting service. Such contracts shall not be valid nor shall funds be obligated until the contracts are approved in writing by all the contracting parties and have been certified by the Library Extension Division as providing standard library service for the sum specified. Initial contracts shall be for two (2) years or longer, subject to renewal. The board of trustees of a regional library shall have the same power to contract for library service as is given to a legislative body in subsection (4) of Section 2.

Section 5. *Board of Trustees; Appointment; Removal:* The management and control of a library shall be vested in a board of trustees. In cities of the first class the board shall consist of twelve (12) trustees and the mayor. In other cities and counties the board shall consist of five (5) members. In

a library region there shall be five (5) members except if the number of counties exceeds five (5) there shall be one trustee from each county in the region.

Within thirty days after the establishment of a library has been authorized by any of the methods authorized by Section 2 of this Act, a library board shall be appointed. In cities the trustees shall be appointed by the mayor and in counties they shall be appointed by the county judge. In a regional library district the trustees shall be appointed by the joint action of the judges of the respective counties or as may be agreed upon by contract. In any region in which there are four (4) or less counties, provision shall be made in the contract for rotation of members and an equitable adjustment of terms. If a region consists of an even number of counties, the trustees appointed by the judges of the respective counties shall appoint an additional trustee whose term of office shall be four (4) years and whose successor shall be appointed by the trustees in office at the time of expiration of such term. Trustees shall be appointed from the governmental unit at large with special reference to their fitness for such office. Members of the board shall be appointed as follows: two (2) members for two (2) years, one (1) member for three (3) years, and two (2) members for four (4) years respectively, and thereafter trustees shall be appointed to serve four (4) years. In cities of the first class, the board of trustees shall be appointed for four year terms except that the original appointees shall be so appointed that the terms of three members shall expire each year. Vacancies shall be filled for the unexpired terms as soon as possible in the same manner as the original appointments.

A library trustee shall not receive a salary or other compensation for services as a trustee. Before entering upon the duties of his office, a trustee shall take oath that he will faithfully discharge his duties. No board shall employ as a member of its library staff any member of the board or any person

related closer than a second cousin to any member of the board. No person is eligible to this office who is directly or indirectly interested in the sale to the library of books, magazines, supplies, equipment, materials, fire insurance or services for which library funds are expended.

A library trustee may be removed only by vote of the legislative body of the respective governmental unit from which he was appointed.

Section 6. *Board of Trustees; Organization, Powers and Duties:* The board of trustees shall constitute a corporate body with perpetual succession. Within ten (10) days after their appointment the appointive officer shall call a meeting of the library board to organize by the election of such officers as they deem necessary and meet regularly thereafter once each month. If the appointive officer does not call a meeting the trustees may do so on their own initiative.

They shall adopt such by-laws, rules and regulations for their own guidance and for the government of the library as they deem expedient; have the supervision, care and custody of all property of the library including its quarters or buildings; employ a librarian and upon his recommendation employ such other assistants as may be necessary, all in accordance with the statutes relating to the certification of librarians and the rules and regulations adopted by the board pursuant thereto, and fix the compensation of librarians or assistants employed and remove them for cause; submit annually to the legislative body a budget containing estimates in detail of the amount of money necessary for the library for the ensuing year; allot funds for the purchase of books, periodicals, maps and supplies for the library; and do all other acts necessary for the orderly and efficient management and control of the library.

They may accept such gifts of money or property for library purposes as they deem expedient; lease or purchase

land for library buildings; lease, purchase or erect an appropriate building or buildings for library purposes and acquire such other property and equipment as may be needed therefor; and enter into contracts for library service with other library boards and as provided for in subsection (4) of Section 2.

Section 7. *Funds:* After the legislative body of a governmental unit has made provisions for library service according to any of the methods set forth in Section 2 of this Act, the legislative body shall appropriate money annually to furnish such service. In cities of the first class, or library regions of comparable population, it shall not be less than three (3) cents, nor more than ten (10) cents on each one hundred dollars ($100.00) worth of property assessed for local taxation. In all other governmental units it shall be not less than five (5) cents nor more than fifteen (15) cents on each one hundred dollars ($100.00) worth of property assessed for local taxation. It may be a special levy if the constitutional limit has not already been levied or this amount included in the general tax levy. In the event the constitutional limit has already been exceeded, the appropriation shall be in proportion to other appropriations as their respective statutes provide.

All funds for the library shall be deposited monthly to the credit of the library board. These funds shall not be used for any but library purposes. The treasurer of the library board shall be required to execute bond with good and sufficient surety thereon for the faithful performance of his duties, the amount of the bond to be fixed by the board. If the bond has a corporate surety the premium shall be paid from the library fund. The board shall have exclusive control of expenditures, subject to an examination of accounts as may be required by the legislative body, and money shall be paid only upon vouchers approved by the board. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and available for library

purposes, except where a library board is the owner of real estate not used for library purposes, in which case they may borrow money secured solely by that property. Principal and interest on indebtedness on real estate owned by a library board not used for library purposes is not chargeable to the library funds derived from taxation.

Section 8. *Annual Report:* At the close of its fiscal year the board of trustees of every library shall make a report to the legislative body of the governmental unit wherein the board serves, showing the condition of its trust during the year, the sums of money received for the library fund, the sums of money expended and the purposes of the expeditures, the number of books and bound periodicals on hand, the number added during the year, the number discarded, the number lent, and such other statistics and information and such suggestions as they deem of public interest. A report shall also be filed with the Library Extension Division of the Department of Library and Archives at Frankfort, Kentucky, upon forms supplied by said Division.

Section 9. *Free Use of Libraries:* Every library established or maintained under this Act shall be free for the use of the inhabitants of the governmental unit in which it is located, subject to such reasonable rules and regulations the trustees find necessary.

Section 10. *Title to Property and Money:* The title to money or property given to or for use or benefit of a library shall be vested in the board of trustees, to be used according to the terms of the gift. Should a library be closed or services discontinued, it shall be the duty of the governmental unit to hold all library property and funds received by gift in trust to be used for library purposes, unless the terms of the gift permit use for other purposes.

Section 11. *Status of Existing Libraries:* Any free public library established after the effective date of this Act

shall be established as provided in this Act. Every existing public library which has been heretofore established under provisions of state law shall be considered as operating under the authority of this Act. Every existing contract for library service shall continue until the contract be terminated or a library be established by the governmental unit for which the service was engaged. The provisions of this Act shall be construed as superseding the provisions of any municipal charter in conflict herewith.

Section 12. *Retirement:* The governing board of any tax supported library, created or existing under the laws of Kentucky, which has not less than two (2) full time employees, may provide for their retirement with annuities; may adopt the American Library Association retirement plan; or make any other provisions for the retirement of its employees.

Section 13. Sections 172.010 to 172.095; Sections 173.010 to 173.100; Sections 173.110 to 173.150; Sections 173.160 to 173.290 of the Kentucky Revised Statutes, 1942, are hereby repealed.

By Mr. Copeland.

H. B. 318. An Act relating to collection of taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 135.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each field agent, accountant or attorney employed by the Commissioner of Revenue shall, when directed by the commissioner, institute actions in the name of the state, and in the name of any county, school or other taxing district, on

relation of the commissioner, against any delinquent state, county or district officer or any person to recover taxes or any other money due the state or any county, school or other taxing district.

Each field agent, accountant or attorney appointed by the commissioner, before instituting or causing to be instituted any action that he is authorized by law to institute, shall file a copy of same with the commissioner, with a verified statement of the facts upon which it is based. No action shall be instituted or caused to be instituted by any field agent, accountant or attorney until it is approved and authorized by the commissioner.

(3) In all actions brought under subsection (1) of this section against any delinquent state, county or district officer in which a judgment is recovered, the party in default shall, in addition to the amount found to be due the state or any county, school or other taxing district, be adjudged to pay a penalty of twenty percent on the amount due.

By Messrs. Burnley and Copeland.

H. B. 319. An Act relating to unemployment compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 341.510, sub-section (1) of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

"WITHDRAWALS FROM TRUST FUND. (1) Money shall be requisitioned from the State's account in the Unemployment Trust Fund solely for the payment of benefits and in accordance with regulations prescribed by the Com-

mission. The Commission, through the State Treasurer acting as its fiscal agent, shall from time to time requisition from the Unemployment Trust Fund such amounts, not exceeding the amounts standing to this State's accounts therein as it considers necessary for the payment of benefits for a reasonable future period. Provided, however, that out of contributions and collections collected under this Chapter on and after April 1, 1944, and interest earned thereon, the Commission may also in like manner requisition from the Unemployment Trust Fund such funds as may be necessary to defray the cost of administration of this Chapter for a reasonable future period during which the Social Security Board does not, for the same period, make certification for payment to this State of funds for the assistance of this State in the administration of this Chapter as provided in Title III of the Federal Social Security Act (49 Stat. 620) as amended; any funds so requisitioned by the Commission shall not exceed the total amount the Social Security Board shall have withheld from certification with respect to such State for the same period, nor an aggregate total amount of $1,260,000.00 in any event, and shall when received be deposited by the Treasurer in the Unemployment Compensation Administration Fund created by Section 341.240 of the Kentucky Revised Statutes and become a part of said Fund, subject to the limitations of KRS 341.620 and other provisions of the chapter with respect to expenditure therefrom. During the period for which funds are so requisitioned to defray the cost of administering this chapter and deposited in the Unemployment Administration Fund as above provided, no assessment shall be levied on employers under the provisions of Section 341.590 Kentucky Revised Statutes."

Section 2. That Section 341.530 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

"*Employer reserve account.* (1) The Commission shall

maintain within the fund a separate reserve account for each subject employer, and shall, except as provided in paragraph two hereof and KRS 341.560, credit to such account the total amount of all contributions paid by the employer on his own behalf. The liability of each such account shall be limited to the payment of benefits to eligible workers.

"(2) KRS 341.270 to the contrary notwithstanding, on and after April 1, 1944, no employer's contribution rate shall be less than three tenths of one per cent and the first three tenths of one per cent shall be withheld from credit to an employer's reserve account until the total withheld from all employers in the aggregate equals $1,260,000.00, whereupon the minimum contribution rate fixed by this paragraph shall become inoperative.

"(3) The benefits paid to an eligible worker for a week of unemployment shall be charged proportionately against the accounts of those of his subject employers from whom he has base year or base period wages. The proportion so used shall be that ratio which is obtained by dividing the base year or base period wages of a worker from such employer by the total base year or base period wages of such worker, adjusted to the nearest multiple of one per cent. For the purpose of this sub-section a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

"(4) Each subject employer's reserve account shall, unless terminated or exhausted as of the computation date (as defined in subsection (5) of KRS 341.270) be charged with all benefits paid to eligible workers which are chargeable to such reserve account under subsection (3) of this section. A subject employer's reserve account shall be deemed to be terminated if he has ceased to be subject to this chapter, and his account has been closed and any balance remaining therein has been credited to the fund's pooled account or to a successor's account as provided in KRS 341.540.

"(5) Any subject employer may at any time make voluntary payments, additional to the contributions required under KRS 341.260 and 341.270 to his reserve account, according to the general rules established by the Commission."

Section 3. *Declaration of emergency.* Whereas the taking effect of the provisions of this Act is necessary prior to April 1, 1944, in order to have available administrative money for the Unemployment Compensation Commission by July 1, 1944, an emergency is hereby declared to exist and this Act shall become law upon its enactment by the General Assembly and approval by the Governor.

Ordered that said bills be referred and printed.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 16, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Herman J. Womeldorf of the Southern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	W. G. Biggers	J. C. Bradley
Henry Arrowood	Isaac Blevins	Jno. W. Burkhart
F. H. Bassett, Jr.	Douglas T. Bolling	Chas. W. Burnley

C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Speaker announced that he had referred bills heretofore introduced or reported to this House, as follows, viz:

The following bills are referred to the Committees named:

Senate Bill 84—Education No. 1

House Bill 298—Public Health
House Bill 299—Suffrage and Elections
House Bill 300—Ways and Means
House Bill 301—Agriculture No. 1
House Bill 302—Kentucky Statutes
House Bill 303—Ways and Means
House Bill 304—Kentucky Statutes
House Bill 305—Alcoholic Liquor Control
House Bill 306—Printing
House Bill 307—Ways and Means
House Bill 308—Motor Transportation
House Bill 309—Motor Transportation
House Bill 310—Trade and Commerce
House Bill 311—Ways and Means
House Bill 312—Education No. 1
House Bill 313—Education No. 2
House Bill 314—Agriculture No. 1
House Bill 315—Ways and Means
House Bill 316—Codes of Practice
House Bill 317—Library and Historical Records
House Bill 318—Kentucky Statutes
House Bill 319—Compensation for Industrial Injuries

Mr. Quill offered the following resolution, viz:

H. Res. 36. Concurrent Resolution.

Be it Resolved by the House of Representatives, the Senate concurring:

That when the General Assembly adjourns on Friday,

February 18, 1944, it do adjourn to convene again on Wednesday, February 23, 1944 at the hour of 7:30 P.M.

Said resolution was adopted.

Mr. Anderson moved that a bill entitled:

H. B. 245. An Act relating to education.

Which was reported by the Committee on Education No. 1 on February without an expression of opinion,

Be taken from the Clerk's Desk and advanced to a reading.

Said motion was agreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. J. Lee Moore moved that Messrs. Allen Rhoads and Egbert V. Taylor be appointed by the House to bring suit against the Commissioner of Finance for the payment of monies authorized by House Resolution No. 5, Regular Session 1944.

Said motion was agreed to.

Mr. Hallahan moved that a bill entitled:

H. B. 106. An Act relating to petty loans.

Be taken from the hands of the Committee on Kentucky Statutes

And advanced to a reading.

Said motion was disagreed to.

The Standing Committees of the House to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Burnley of the Committee on Ways and Means.

H. B. 287. An Act relating to the establishment by cities of a gas and garage disposal system.

By Mr. Scheben of the Committee on Cities of the Second Class.

H. B. 213. An Act relating to local health units.

With a Committee Amendment thereto.

By Mr. Swope of the Committee on Cities of the Fourth Class.

H. B. 278. An Act relating to city officials.

By Mr. Clarke of the Committee on Codes of Practice.

H. B. 78. An Act granting and confirming in the Court of Appeals and other courts power to regulate pleading, and practice and procedure in the courts.

With a Committee amendment thereto by way of Substitute therefor.

By Mr. Patterson of the Committee on Constitutional Amendments.

S. B. 37. An Act pertaining to the withdrawal of money from the State Treasury and the purposes to which money paid into the State Treasury may be devoted, and to provide for an amendment to Constitution.

By Mr. Quill of the Committee on Revenue and Taxation.

S. B. 38. An Act providing for persons living in cities of 5th and 6th classes to demand of county school board to place their property in a certain school district.

With a Committee Amendment thereto.

H. B. 107. An Act relating to occupational license taxes.

H. B. 114. An Act relating to revenue and taxation.

By Mr. Rhoads of the Committee on Teachers' Colleges.

H. B. 293. An Act relating to the furnishing of copies of Acts and Journals of the General Assembly to the State Teachers' Colleges.

By Mr. Howard of the Committee on Suffrage and Elections.

H. B. 285. An Act relating to elections with particular reference to corrupt practices.

By Mr. Hall of the Committee on Motor Transportation.

H. B. 256. An Act relating to motor transportation.

By Mr. Reeves of the Committee on Public Health.

H. B. 298. An Act relating to safety and health of employees.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Burnley of the Committee on Ways and Means to which the same had been recommitted, reported a bill entitled:

H. B. 32. An Act relating to Revenue and Taxation.

With the expression of opinion that said bill ought to pass.

Ordered that said bill be placed in the Orders of the Day.

By Mr. Quill of the Committee on Revenue and Taxation.

H. B. 169. An Act relating to poll tax.

With the expression of opinion that said bill ought not to pass.

No motion having been made to advance said bill to a reading the report of the committee to the contrary notwithstanding and no further action having been taken on said bill, it was ordered that said bill be not read at length the first time, and so said bill was rejected.

By Mr. Quill of the Committee on Revenue and Taxation.

H. B. 157. An Act relating to the tax on the sale of admission to places of amusement or entertainment.

With the expression of opinion that said bill ought not to pass.

And with a Minority Report thereto.

Said Minority Report is as follows, viz.:

The Committee on Revenue and Taxation to which the

same had been referred, have had under consideration a bill entitled:

H. B. 157. (See title above).

and report same with the expression of opinion that the same should pass, for the purpose of building five additional Tuberculosis Hospitals in the five districts stipulated in H. B. 147.

Claude L. Hammons.

Mr. Hammons moved that the Report of the Minority be substituted for the Committee Report.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hammons and Egbert V. Taylor, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	B. C. Holbrook	J. Lee Moore
Henry Arrowood	Jerry F. Howell	L. D. Moore
W. G. Biggers	W. N. Hughes	C. Sid Nabb
Isaac Blevins	W. H. Hunt	Coy C. Nevitt
Willis Champion	Lee Johnson	Jno. C. Newcomb
Jno. H. Clarke, Jr.	Wm. E. Justice	Joe E. Nunn
Marvin Cornett	H. Clay Kauffman	Albert W. Pfeiffer
John P. Craig	G. M. Knuckles	Sylvester Phillips
Adron Doran	J. T. Linton	James T. Philpott
T. H. Dyer	Homer E. Losey	J. Gip Prather
Bernie S. Edlin	A. L. Love	L. W. Preston
Harry W. Ennis	Pearl McKinney	Wade H. Riley
Dr. J. C. Gabbard	Ed Marcum	H. G. Royalty
J. D. Gross	Johnston Miller	F. W. Schuhmann
Jas. P. Hallahan	Harry L. Moore	Vernon Seaton
Claude Hammons	Herbert V. Moore	Jno. W. Simmons

Robt. J. Spaulding	C. W. Taylor	John L. Trumbo
E. A. Spencer	Egbert V. Taylor	R. E. West
Arthur Stallard	H. Thieman, Jr.	Taylor Witt
Geo. W. Steinford	Otis C. Thomas	
Joe Stewart	E. B. Thompson	—61

Those who voted in the negative were—

F. H. Bassett, Jr.	Clyde S. Howard	C. R. Reeves
Chas. W. Burnley	Paul S. Jonas	L. Allen Rhoads
C. D. Call	M. Kavanaugh	Amos Runyon
Fred Carpenter	C. C. May	Carl Scheben
A. Roy Copeland	W. B. Moser	Leon J. Shaikun
John Henry Cox	H. C. Patterson	Faust Y. Simpson
J. R. Dorman	Chester Peterson	George T. Smith
Franklin Goins	Kleber F. Price	Roy L. Taylor
R. M. Hall	Edw. P. Prichard	S. J. Wagner
Benton Howard	James E. Quill	—29

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz.:

H. B. 243. An Act relating to Alcoholic Beverages.

H. B. 294. An Act relating to compensation of circuit court clerks.

With a Committee Amendment thereto.

H. B. 232. An Act relating to quarters, food and lodging for jurors.

With a Committee Amendment thereto.

H. B. 231. An Act relating to guards for the safekeeping of prisoners.

With a Committee Amendment thereto.

H. B. 178. An Act to create the office of Assistant Commonwealth's Attorney.

H. B. 279. An Act relating to insurance issued by burial associations.

H. B. 223. An Act relating to the treatment of persons having venereal diseases.

S. B. 57. An Act authorizing condemnation of land and materials for construction and maintenance of public roads and bridges.

H. B. 118. An Act creating the Division of Rural Highways in the Department of Highways.

H. B. 250. An Act relating to Civil Service Commission.

With a Committee Amendment thereto.

H. B. 267. An Act providing for issuance of summons and warrants of arrest in police courts of cities of 2nd class.

H. B. 266. An Act relating to city manager form of government.

H. B. 240. An Act to provide for civil service and pensions for county employees in counties containing cities of 2nd class.

With Committee amendments thereto.

H. B. 277. An Act relating to crimes and punishment.

H. B. 192. An Act to amend and re-enact Sec. 436.420 KRS, relating to lotteries, etc.

H. B. 101. An Act relating to publications.

H. B. 238. An Act providing for the inspection of weighing machines and devices in tobacco warehouses.

S. B. 8. An Act to provide that 90% of the Kentucky excise tax paid on refund gasoline, be refunded to the purchaser who uses gasoline in tractor or stationary engine for agricultural purposes.

S. Res. 19. Resolution authorizing conveyance by the Commonwealth to the National Government of title to the Blue Licks Battlefield.

H. B. 247. An Act relating to higher education for negroes.

With committee Amendments thereto.

H. B. 280. An Act relating to taxation for school purposes.

H. B. 99. An Act providing for payment from the proceeds of the sale of electrical energy, water and gas, etc.

H. B. 283. An Act relating to county tax commissioners.

H. B. 194. An Act to amend Sec. 132.630 KRS.

H. B. 259. An Act relating to narcotic drugs.

H. B. 269. An Act providing funds, based on an allocated share of receipts from State Gasoline Tax.

H. Res. 33. Resolution for the benefit of Mrs. Gertie Gresham.

S. Res. 12. Resolution authorizing A. E. Funk and wife to sue the Commonwealth.

S. Res. 14. Resolution authorizing Joe Nickell and Myrtiel Nickell to sue the Commonwealth.

S. Res. 15. Resolution authorizing Charles Jarboe to sue the Commonwealth.

S. Res. 11. Resolution authorizing A. B. Campbell to sue the Commonwealth.

Resolutions authorizing suits against the Commonwealth for following named persons, viz.:

Bud Philpot, J. J. Evans, E. B. Chitwood, Charles and Dorothy Bryant and C. Hays Foster.

With a Committee Amendment thereto by way of Substitute therefor.

Said Substitute to be known as H. Res. 35.

Resolutions authorizing payment of claims against the Commonwealth for the following named persons, viz.:

Lee Swaner, Elie Crum, Adam Hayes, J. B. Clark, S. T. Slaughter.

With a Committee amendment thereto by way of Substitute therefor.

Said Substitute to be known as H. Res. 34.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

A message was received from the Senate announcing that they had concurred in a resolution which originated in this House, entitled:

H. Res. 36. Resolution providing for adjournment of General Assembly until Wednesday, February 23 at 7:30 P. M.

And that they had passed bills which originated in that body, entitled:

S. B. 23. An Act providing for the taking of the sense of the people of the state as to the necessity and expediency of calling a convention for the purpose of revising the Constitution.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided by section 258 of the present Constitution of Kentucky.

§ 2. When this Act is passed at the present session of the General Assembly by a majority of all members elected to each house of the present General Assembly, that is when a majority of all the members of each house shall concur by a yea and nay vote, to be entered upon their respective Journals, this Act shall be spread upon the respective Journals of each house as a law.

§ 3. If the next session of the General Assembly shall, in like manner concur in this Act after it becomes a law as herein provided, it shall provide for having a poll opened in each voting precinct in this state by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and place the votes of the qualified voters shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes for the calling of the convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise or amend the present Constitution of this State, and such amendments as may have been made thereto.

Section 4. That before any constitution agreed upon by said convention shall take effect or become operative, the same shall be submitted to the qualified voters of this commonwealth, after at least ninety days' notice, and ratified by a majority of those voting.

S. B. 49. An Act relating to the acquisition of electric power systems by municipalities, so as to prevent the construction of duplicating facilities etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 96.570 of Kentucky Revised Statutes be amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

Except as otherwise specifically provided in KRS 96.550 to 96.900, the board of the municipality shall exercise all powers conferred upon the municipality by KRS 96.550 to 96.900. Any board operating under the provisions of KRS 96.550 to 96.900 shall have the legal power and capacity to perform any act not repugnant to law and shall have the express power and capacity to do any and all acts or things necessary or convenient for the carrying out of the purposes of KRS 96.550 to 96.900, including, but not by way of limitation, the following express powers:

(1) Acquire, hold and dispose of property, real and personal, tangible and intangible, necessary or incident to the proper conduct of its business.

(2) Construct, acquire, own, lease, operate, maintain and improve electric plant or plants as defined in KRS 96.550, and may provide electric service to any user or consumer within and without the boundaries of any municipality, and charge and collect reasonable rates therefor.

(3) Construct, acquire, own, lease, operate, maintain and improve distribution or transmission line or lines, or generating plant or plants together with all necessary and appropriate facilities, equipment and appurtenances, indi-

vidually or jointly with any other municipality or rural electric cooperative corporations organized under the laws of Kentucky for the purpose of generating, distributing, or transmitting electric power or energy and connecting their respective electric plants with a wholesale source of supply, and in the case of any such joint action, such municipalities and rural electric cooperative corporations may provide by contract for the method of holding title, for the allocation of responsibility, for operation and maintenance and for the allocation of expenses and revenues.

(4) Construct, own, lease, operate and control any and all works, lines, buildings and other facilities across, along, or under any street or public highway, and over any lands which are now or may be the property of the Commonwealth or of any county or municipality within this Commonwealth. The board shall, however, at its own expense, restore any such street or highway to its former condition and state as nearly as may be possible and shall not use the same in a manner as to impair its usefulness or to interfere with or obstruct the maintenance thereof. Before exercising these powers the board shall obtain a permit or consent or approval in writing from the governing authority of the municipality, or the fiscal court, or the Department of Highways having appropriate jurisdiction over any and all of such respective streets or public highways.

(5) Accept gifts, grants of property, real or personal, including money, from any person, municipality, or Federal Agency, or both, and to accept voluntary and uncompensated services; provided, however, that when engineering services are required by any municipality or any board or any appraisers or board of appraisers, appointed pursuant to the provisions of KRS 96.550 to 96.900 to render any services authorized or required or incident to surveys, plans, estimates of cost, or the valuation of property, or in the preparation of reports authorized by KRS 96.550 to 96.900, no engi-

neer who is engaged in whole or in part in the business of buying or selling any electric equipment, machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any services whatsoever under the provisions of KRS 96.550 to 96.900. The limitations hereinabove provided shall also apply to any firm of engineers, if the firm or member of the firm is engaged in whole or in part in the business of buying or selling any electric machinery, equipment, fixtures, materials, supplies, or the sale or purchase of bonds; and no such firm or member of such firm shall be eligible for employment or for any service whatsoever under the provisions of KRS 96.550 to 96.900. Provided, further, that the provisions of this section shall not be construed to prohibit the board or the governing authority of any municipality from obtaining the advice or services of any engineer in the regular employment of the state or any Federal governmental agency.

(6) Contract debts and borrow money for the acquisition or improvement of any electric plant, issue bonds to finance such acquisition or improvement, provide for the rights of holders of the bonds and to secure the bonds as hereinafter provided, and pledge all or any of the net revenues derived from electric service to the payment of such debts or repayment of money borrowed.

(7) Acquire, hold, and subject to the provisions of KRS 96.860 and the applicable provisions of any bonds or contracts, dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property in connection with any electric plant, and whether or not subject to mortgages, liens, charges, or other encumbrances.

(8) Make contracts and execute instruments containing such covenants, terms, and conditions as in the discretion of the board may be necessary, proper, or advisable for the purpose of obtaining loans from any source, or grants, loans or

other financial assistance from any governmental agency, including, but without limitation, covenants, terms, and conditions with respect to the acquisition or construction of any electric plant or any improvement thereto with money in whole or in part borrowed from or granted by any governmental agency; make all other contracts and execute all other instruments as in the discretion of the board may be advisable in or for the furtherance of the acquisition, improvement, operation and maintenance of any electric plant and the furnishing of electric service; and carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(9) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvement, operation or maintenance of any electric plant and the furnishing of electric service.

(10) Do all acts and things necessary or convenient to carry out the powers expressly given in KRS 96.550 to 96.900.

(11) Make any contracts necessary or convenient for the full exercise of the powers herein granted, including, but not limited to, contracts for either the purchase or sale or both the purchase and sale of electric energy or power, and contracts for the acquisition or improvement of all or any part of an electric plant; and, in connection with any such contract with a governmental agency, the board may stipulate and agree to such convenants, terms, and conditions as the governing body deems appropriate, including, but without limitation, covenants, terms, and conditions with respect to the resale rates, financial and accounting methods and the manner of disposing of the revenue of the electric plant conducted and operated by the board, except that the board shall not have power to contract with the Tennessee Valley Au-

thority or any other governmental agency for the purchase and resale of electric energy or power unless the contract shall provide that the resale rates of the board for electric service or electric energy shall be sufficient to cover all operating expenses, interest charges, and bond payments, other expenses, and payments to the state, any county, any school district, any municipality, any other special taxing district in which the board operates, of amounts determined as provided in KRS 96.820; nor unless such contract provides that the payments to such taxing jurisdiction be made to them as hereinafter prescribed.

(12) Acquire a franchise to furnish electric service to any other municipality or county or the inhabitants thereof, and to contract with any other municipality or county to furnish it with electric service. Such contracts may be entered into by the governing bodies of the other cities or county.

Provided, however, that no board of a municipality, in which municipality there is located an existing electric plant, shall have power under this or any other law except by permission of the Public Service Commission of Kentucky to construct an electric plant, or to enter upon the construction of any facilities duplicating those of the existing electric plant, or to obtain an electric plant other than by the purchase of such existing electric plant or the exercise of the power of eminent domain.

Section 2. That Section 96.580 of Kentucky Revised Statutes be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

(1) Before a board of municipality shall have authority to condemn an existing electric plant under the provisions of KRS 96.550 to 96.900, the board shall notify the owner of the existing electric plant, hereinafter referred to as the owner, in writing of its desire to purchase the plant or that

portion thereof located or situated within said municipality and of its desire to enter into an agreement as to the value thereof. If no fair and reasonable price and terms of purchase and sale shall be agreed upon between the board and the owner within sixty days after the aforesaid notice has been given the owner, and if either party desires that further efforts to determine a fair price and terms of purchase and sale be made, a board of appraisers consisting of two members shall be appointed, one by the board and the other by the owner. Such appointments shall be made within thirty days after the expiration of the time given the board and the owner to agree upon the value of the existing electric plant, or that part thereof which the board desires to purchase. Should the two members of the board of appraisers be unable to agree within thirty days after their appointment upon a fair and reasonable price, a third member of the board of appraisers shall be selected by them. In the event the two appraisers cannot agree upon the third member of the board of appraisers, then upon application of either the board or the owner, the Governor of the Commonwealth shall name the third appraiser. The board of appraisers shall consult with the State Public Service Commission in its efforts to arrive at a fair price for the electric plant, and the State Public Service Commission shall make available to the board of appraisers its facilities and any information in its possession bearing on the value of the electric plant. In making its valuation of the electric plant, the board of appraisers shall be governed by the provisions of Paragraph (2) of KRS 96.900, providing the method to be followed by commissioners in condemnation proceedings. It shall be the duty of the board of appraisers to make a survey of, appraise and submit to the board and the owner in writing, its valuation of the electric plant. The board shall file its written report within six months from the date of the appointment of the first two members. The value fixed by two of the three members of the board of appraisers shall be the finding of the board. In the event two of the three

members cannot agree within six months after the appointment of the first two members, the entire first board, unless given further time by agreement between the board and the owner, shall be discharged, and a second board, if desired by both the board and the owner, may be appointed as provided herein, which shall make its final report within six months after the appointment of the first two members thereof. It shall be the duty of the board to pay all compensation to the member appointed by it, and the duty of the owner to pay all compensation to the member appointed by it, and the board and the owner shall each pay one-half of the compensation which may be due the third member and one-half of all other costs incurred in connection with the work of the board of appraisers. These costs may be included as a part of the purchase price agreed upon. Neither the board nor the owner shall be required to accept the report of the board of appraisers. If the owner fails or refuses to appoint an appraiser or appraisers as and within the time limits hereinabove provided, the board may proceed to exercise all of the powers granted by KRS 96.550 to 96.900 without waiting for the expiration of all or any part of the time authorized for making the appraisal herein provided for.

(2) After the board shall have complied with the provisions of this section, it may proceed, in the manner and subject to the terms and conditions in KRS 96.590 to 96.900 provided, to (a) enter into a contract with the owner for the purchase from the owner of the electric plant, or (b) institute condemnation proceedings and acquire the electric plant by the exercise of the power of eminent domain.

Section 3. That Section 96.600 of Kentucky Revised Statutes be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

(1) When the board of any municipality authorized to acquire, construct, own or operate an electric plant under the

provisions of KRS 96.550 to 96.900 shall be unable to contract with the owner of any land, easement, right of way, electric plant, or any facilities or property needed by such board for its use for the purposes thereof and desires to exercise the right of eminent domain, the board shall file in the office of the clerk of the county court a particular description of the property sought to be condemned, and may apply to the county court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive, and thereupon said court shall appoint three impartial housekeepers of the county who are land owners, and who shall be sworn to faithfully and impartially discharge their duties under this law.

(2) It shall be the duty of said commissioners to ascertain and determine the value of the real estate, tangible personal property, intangible property and franchises sought to be condemned, and also to ascertain and determine the damages resulting to the remainder of the properties of the owner.

The said commissioners shall return a report in writing to the office of the clerk of said court, in which report they shall state their award, describe the property sought to be condemned, shall give the name or names of the owners and shall state whether such owners are non-residents of the State, infants, of unsound mind or married women.

The term "net earnings", as used in this Paragraph (2), shall mean the net earnings for any period computed in accordance with accepted principles of accounting determined by deducting from the total gross revenues of the electric plant all operating expenses for such period applicable to the electric plant, including maintenance and depreciation, and including an amount equal to such taxes, or payments in lieu of taxes, which the municipality seeking to acquire the electric plant would have paid had it been the owner thereof during the period.

(3) Upon application of said board, and upon filing such affidavits as may be necessary, the clerk of said court shall issue process against the owner or owners to show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Civil Code of Practice in actions against them in the circuit court.

(4) At the first regular term of the county court, after the owners shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required in circuit court, it shall be the duty of the court to examine said report, and if it shall appear to be in conformity to this law, and to the extent that no exceptions have been filed thereto by either party, it shall confirm said report as against the owners not excepting.

Ordered that said bills be referred and printed.

Mr. Quill moved that the House take up for immediate consideration from the Clerk's Desk, a bill entitled:

H. B. 241. An Act relating to legislative research, audits, and studies, etc.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. Quill as Speaker, pro tempore.

Thereupon the House took up for immediate consideration said bill.

Said bill is as follows, viz.:

An Act relating to legislative research, audits, and studies; establishing legislative research committees of the House of Representatives and the Senate; providing for the membership, powers, duties, functions and personnel of the committees; appropriating funds for the use of such committees; and repealing Sections 7.010 to 7.080 of the Kentucky Revised Statutes, pertaining to the Legislative Council.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is created a Legislative Research Committee of the House of Representatives and a similar committee of the Senate. Such committee in the House of Representatives shall consist of the Speaker of the House of Representatives, who shall be chairman of the committee, and eight members of the House appointed by the Speaker. Such committee in the Senate shall consist of the President Pro Tem of the Senate, who shall be chairman of the committee, and eight members of the Senate who shall be appointed by the President Pro Tem of the Senate. Five members of each committee shall constitute a quorum for the purpose of doing business.

2. Except as otherwise herein provided the members of the committees shall hold office until the next regular session of the General Assembly at which time and at each succeeding regular session of the General Assembly the membership of said committees shall be appointed in the manner provided in Section 1 hereof. A vacancy on the House committee shall be filled by the Speaker, and a vacancy on the Senate committee shall be filled by the President Pro Tem of the Senate. Any cause which results in a member of either committee ceasing to be a member of the General Assembly shall create a vacancy in the membership of such person on the committee. Any cause, which would create a vacancy in the office of the Speaker of the House or of the President Pro Tem of the Senate shall likewise create a vacancy in his office as chairman of the committee. In the case of such vacancy, the members of the committee shall select a chairman from among their membership for the remainder of the term.

3. Each committee shall meet during the interim between sessions of the General Assembly once each month at the State Capitol, unless otherwise directed by the respective chairman or the committees, beginning in April on the second

Monday thereof, following the close of the pending session of the General Assembly, and on the second Monday every two months thereafter. Any regular meeting shall continue for three days unless extended by a vote of the committee. Special interim meetings of either committee may be held at the call of the chairman, or upon the request of fifty percent of the members of either committee the chairman shall call a special meeting. For attending meetings between sessions of the General Assembly, the members of each committee, or sub-committees, shall be paid their necessary traveling expenses, and shall be allowed and paid ten dollars for each day they are in attendance on the committee or sub-committee, for lodging, meals and other incidental expenses.

4. The Legislative Research Committees of the respective houses are authorized and empowered jointly and severally to make or have made research, studies and audits of or pertaining to any subject, relating to State Government, which may be legally considered or acted upon the legislative branch of State Government. Each committee shall make such research, studies and audits and make such recommendations to the General Assembly as it deems advisable to eliminate waste and overlapping functions, to institute economies, and to promote efficiency in all divisions of State Government and to promote the general welfare of the populace in all divisions of public service, and to provide ways and means of financing the Commonwealth upon a more scientific, economical and equitable basis. Each committee shall gather budget information for the use of the General Assembly and make such other studies and gather such other information pertaining to any subject that may be considered by the General Assembly, or as in its discretion may be useful to the General Assembly. Each committee shall report to the General Assembly its findings and recommendations, accompanied with such drafts of legislation as it deems necessary for the information of and consideration by the General Assembly and shall submit a proposed budget to the Governor for his consideration.

5. The committees shall cooperate with each other as far as practicable. Such cooperation shall be effected by means of a joint sub-committee, which shall consist of the Speaker of the House and three members of the House committee appointed by him, and the President Pro Tem of the Senate and three members of the Senate committee appointed by him. The joint sub-committee shall meet at a date as early as practicable after the organization of the House and Senate committees and formulate a plan of procedure which will provide for the coordination of the activities and efficient use of the personnel employed by the committees, and the elimination of unnecessary duplication or overlapping of functions.

6. The committees jointly may employ such skilled and professional assistants and office personnel and contact for such services as they deem necessary in the performance of their duties and the accomplishment of the purpose of this Act. All employments and contracts for services and the compensation to be paid therefor shall be recommended by the joint sub-committee referred to in Section 5 of this Act, and shall have the approval of a majority of each of the two committees. None of the provisions of Sections 42.110, 42.120, and 42.130 KRS shall be applicable to the employees or employment therein provided for. The joint sub-committee shall supervise and provide for the allocation of the work and activities of all employees of the respective committees and any sub-committees thereof, subject to the approval of the two committees.

During the regular or any special session of the General Assembly the research staff and personnel as provided for in this Section shall be at the disposal of the members of the General Assembly under the supervision of the Speaker of the House and the President Pro Tem of the Senate.

Office space for the Legislative Research committees of the House and Senate shall consist of the House and Senate chambers and rooms used by the General Assembly while in

session and such other space as the committees of the House and Senate may deem necessary.

7. Any person employed under Section 6 of this Act, when authorized in writing by the Chairman of either committee, or by the committees, may require information on oath of any person touching any matter which he is required to investigate, study or audit, and shall have power to subpoena witnesses and records for such purpose, and otherwise compel the giving of evidence on any matter under study. If any person fails or refuses to testify or furnish documentary evidence concerning any matter with respect to which either committee desires information pertinent to the studies in which it is engaged, the Franklin Circuit Court, on application of the committee, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the Circuit Court on a refusal to testify therein. Any person having such written authority from the chairman of either committee or authority from either committee, shall have access to all records of every branch, agency, division or department of the State Government, and of any agency, public or private, which has been the recipient of public funds, useful for the full and complete performance of the duties assigned to such person by the committee.

8. The editorial staff of the Statute Revision Commission, upon request of either committee, shall assist in the drafting of such proposed legislation as either committee desires to be prepared. Either committee may employ such other bill drafting assistants as may be necessary, subject to the provisions of employments and contracts for services as provided in Section 6 of this Act.

9. Each committee may establish such other sub-committees as may be convenient or desirable for the proper and efficient performance of its functions. The chairman of either committee, subject to the approval of the committee, may

appoint any member of the House or Senate as a temporary exofficio member of any sub-committee, to assist in research, study or audit of any subject, and such exofficio member so appointed shall while acting in said capacity be allowed and paid expenses in the same manner as provided for members of the Committees in Section 3 hereof.

10. There is hereby appropriated to the Legislative Research Committees of the House of Representatives and the Senate, out of the General Fund, for each of the fiscal years 1944-1945 and 1945-1946, the sum of seventy five thousand dollars, for the purposes of this Act. There is further appropriated to such committees for the balance of the fiscal year 1943-1944, out of the General Fund, the sum of twenty five thousand dollars, for the same purpose.

11. The chairman of the Legislative Research Committees of the House and the Senate may at any time during any fiscal year, requisition any part or all of the sums appropriated by this Act for such year. The Department of Finance, upon receiving such requisitions, shall issue its warrant upon the State Treasury for the amount requisitioned.

The State Treasurer shall issue his checks payable to such chairmen jointly in their official capacity for the amounts requisitioned. Upon receipt of such checks the chairmen shall cause the amount thereof to be deposited in some solvent bank or banks of this State. Before making such deposits the bank or banks shall be required to execute a bond with good surety to be approved by the chairmen of the Committees. The chairmen of the committees shall execute a joint bond with an incorporated surety authorized to do surety business in the State of Kentucky in a penal sum equal to the largest amount that may be in their hands at any one time; the premiums on such bonds to be paid out of the appropriations made by this Act. Such bond shall be a covenant to the Commonwealth of Kentucky from the principals and surety that the principals will faithfully discharge their duties.

At the expiration of three months from the beginning of each fiscal year, all balances of appropriations and requisitioned funds not encumbered prior to the end of the fiscal year shall lapse to the General Fund and the chairmen of the Legislative Research Committees of the House and the Senate shall issue their check to the State Treasurer for the amount on deposit to their credit that has lapsed by virtue of this section.

12. Disbursements from the funds placed on deposit pursuant to Section 11 of this Act shall be made only upon checks signed by the chairman of the Legislative Research Committee of one house and counter-signed by the chairman of the Committee of the other house. The Legislative Research Committees shall cause a report to be made to the General Assembly at each regular session, on or before the tenth day of the session, containing an itemized statement of all disbursements of the funds expended under this Act.

13. Section 7.010 to 7.080 of the Kentucky Revised Statutes are repealed.

14. WHEREAS, the War Emergency and consideration of post-war problems make it necessary and essential that the research and investigation provided for by this Act be undertaken immediately and the findings of said committees be made available at the earliest date possible an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Waterfield offered the following amendment to said bill by way of Substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is created a Legislative Research Commission of the House of Representatives and a similar commission

of the Senate. Such commission in the House of Representatives shall consist of the Speaker of the House of Representatives, who shall be chairman of the Commission of the House, and eight members of the House appointed by the Speaker. Such commission in the Senate shall consist of the President Pro Tem of the Senate, who shall be chairman of the Commission of the Senate, and eight members of the Senate who shall be appointed by the President Pro Tem of the Senate. Five members of each commission shall constitute a quorum for the purpose of doing business. The members of the Commission in the House of Representatives and in the Senate shall be so selected that the political party representation on each Commission shall be so nearly as possible in the same proportion as the political party representation in the House of Representatives and the Senate.

2. Except as otherwise herein provided the members of said commissions shall hold office until the next regular session of the General Assembly at which time and at each succeeding regular session of the General Assembly the membership of said commissions shall be appointed in the manner provided in Section 1 hereof at a date not later than April 1 following the regular session of the General Assembly. A vacancy on the House Commission shall be filled by the Speaker, and a vacancy on the Senate Commission shall be filled by the President Pro Tem of the Senate. Any cause which results in a member of either commission ceasing to be a member of the General Assembly shall create a vacancy in the membership of such person on the Commission. Any cause, which would create a vacancy in the office of the Speaker of the House or of the President Pro Tem of the Senate shall likewise create a vacancy in his office as chairman of the commission. In the case of such vacancy, the members of the commission shall select a chairman from among their membership for the remainder of the term.

3. Each commission shall meet during the interim between sessions of the General Assembly once each month at the State Capitol, unless otherwise directed by the respective chairman of the commissions, beginning in April on the second Monday thereof, following the close of the pending session of the General Assembly, and on the second Monday every month thereafter. Any regular meeting shall continue for three days unless extended by a vote of the commissions. Special interim meetings of either commission may be held at the call of the chairman, or upon the request of fifty percent of the members of either commission, the chairman shall call a special meeting.

No senator or representative shall during the present term for which he was elected, nor for one year thereafter receive any compensation or profit for his extra official services as a member of said commissions. Each member of each of said Commissions shall be reimbursed out of the appropriation hereinafter provided for his necessary expenses, including transportation, lodging, meals and incidentals in traveling to and from and while attending the meetings of said commissions.

4. The Legislative Research Commissions of the respective houses are authorized and empowered jointly and severally for the benefit of the General Assembly to make or have made research, audits and studies of or pertaining to any or all of the following named subjects, relating to State Government, and which may be legally considered or acted upon by the legislative branch of State Government,

State and National Defense,

Revenue and taxation,

Industrial Development,

Transportation,

Social Security,

Agricultural Research and Development,

Education,

Budget Research,

Conservation of Natural Resources,

Public Health,

Public Welfare, including Charitable and Penal Institutions,

State Expenditures,

Post War Planning,

Roads and Highways,

Each commission shall jointly or severally on the second day of the regular session, report to the General Assembly, its findings and recommendations, accompanied with drafts of suggested legislation for the information of and consideration by the General Assembly, and said commissions shall after investigation and research make such other recommendations to the General Assembly as will serve to eliminate waste, and promote efficiency and economy in State Government and promote the general welfare of the populace.

5. For the purpose of administering this act the commission shall cooperate with each other as far as practicable. Such cooperation in administration of this Act shall be effected by means of a joint sub-commission, which shall consist of the Speaker of the House and three members of the House Commission appointed by him, and the President Pro Tem of the Senate and three members of the Senate Commission appointed by him. The joint sub-commission shall meet at a date as early as practicable after the organization of the House and Senate Commission and formulate a plan of administration which will provide for the coordination of the activities

and efficient use of the personnel employed by the commissions, and the elimination of unnecessary duplication or overlapping of functions.

6. The commissions as agencies of State Government as distinct from agents or employees of the General Assembly or either house thereof, jointly may employ such skilled and professional assistants and office personnel and contract for such services as may be necessary in the performance of their duties and the accomplishment of the purpose of this Act, and all employments and contracts for services and the compensation to be paid therefor shall be determined by the joint sub-commission referred to in Section 5 of this Act, with the approval of a majority of each of the two commissions. None of the provisions of Sections 42.110, 42.120 and 42.130 KRS shall be applicable to the employees or employment herein provided for. In the administration of this Act the joint sub-commission shall supervise and provide for the allocation of the work and activities of all employees of the respective commissions, subject to the approval of a majority of each of the two commissions. During the regular or any special session of the General Assembly the research staff and personnel as provided for in this Section shall be at the disposal of the members of the General Assembly under the supervision of the Speaker of the House and the President Pro Tem of the Senate. Office space for the Legislative Research Commissions of the House and Senate shall consist of the House and Senate chambers and rooms used by the General Assembly while in session and such other space as the commissions of the House and Senate may deem necessary.

7. In the discharge of its duties, the Commission may administer oaths, issue subpoenas for the attendance of witnesses and the production of papers and testimony, and cause the depositions of witnesses, either residing within or without the state, to be taken in the same manner as in civil actions in circuit court. The circuit court of any county,

on application of the Commission, shall compel compliance with any subpoena issued in behalf of the Commission, and the giving of testimony by any witness to any matters regarding which he may be lawfully interrogated, by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued for such court or a refusal to testify therein.

Each witness who appears before a Legislative Commission by its order, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness and approved by the chairman of the Commission.

8. The editorial staff of the Statute Revision Commission, upon request of either Commission shall assist in the drafting of such proposed legislation as either commission directs to be prepared.

9. Each commission may establish such sub-commissions as may be convenient or desirable for the proper and efficient performance of its functions. The chairman of either commission subject to the approval of the commission, may appoint any member of the House or Senate as a temporary exofficio member of any sub-commission, to assist in research, study or audit of any subject, and such exofficio member so appointed shall while acting in said capacity be reimbursed for expenses in the same manner as provided for members of the commission in Section 3 hereof.

10. There is hereby appropriated to the Legislative Research Commissions of the House of Representatives and the Senate, out of the General Fund, for each of the fiscal years 1944-45 and 1945-46, the sum of seventy-five thousand dollars, for the purposes of this Act. There is further appro-

priated to such commissions for the balance of the fiscal year 1943-44, out of the General Fund, the sum of twenty-five thousand dollars, for the same purpose.

11. The chairman of the Legislative Research commissions of the House and the Senate may at any time during any fiscal year, requisition any part or all of the sums appropriated by this Act for such year. The Department of Finance, upon receiving such requisitions, shall issue its warrant upon the State Treasury for the amount requisitioned.

The State Treasurer shall issue his checks payable to such chairmen jointly in their official capacity for the amounts requisitioned. Upon receipt of such checks the chairmen shall cause the amount thereof to be deposited in some solvent bank or banks of this State. Before making such deposits the bank or banks shall be required to execute a bond with good surety to be approved by the chairmen of the commissions. The chairmen of the commissions shall execute a joint bond with an incorporated surety authorized to do surety business in the State of Kentucky in a penal sum equal to the largest amount that may be in their hands at any one time; the premiums on such bonds to be paid out of the appropriations made by this Act. Such bond shall be a convenant to the Commonwealth of Kentucky from the principals and surety that the principals will faithfully discharge their duties.

At the expiration of three months from the beginning of each fiscal year, all balances of appropriations and requisitioned funds not encumbered prior to the end of the fiscal year shall lapse to the General Fund and the chairmen of the Legislative Research Commissions of the House and the Senate shall issue their check to the State Treasurer for the amount on deposit to their credit that has lapsed by virtue of this section.

12. Disbursements from the funds placed on deposit pursuant to Section 11 of this Act shall be made only upon

checks signed by the chairman of the Legislative Research Commission of one house and countersigned by the chairman of the Commission of the other house. The Legislative Research Commission shall cause a report to be made to the General Assembly at each regular session, on the second day of the session, containing an itemized statement of all disbursements of the funds expended under this Act.

13. If any section or provision of this Act shall be held unconstitutional or invalid for any reason, it shall not affect the validity of the Act, as a whole, or any other section or provision thereof.

14. Sections 7.010, 7.020, 7.030, 7.040, 7.050, 7.060, 7.070 and 7.080, of the Kentucky Revised Statutes are hereby repealed and all other laws or parts of laws in conflict with the provisions of this Act are repealed.

15. WHEREAS, the War Emergency and consideration of post-war problems make it necessary and essential that the research, audits and studies provided for by this Act be undertaken immediately and the finding of said Commissions be made available at the earliest date possible an emergency is declared to exist and this Act shall take effect upon the day following adjournment of the present regular session of the General Assembly.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	R. M. Hall	Kleber F. Price
W. G. Biggers	Benton Howard	Edw. P. Prichard
J. C. Bradley	Clyde S. Howard	James E. Quill
Jno. W. Burkhart	Jerry F. Howell	L. Allen Rhoads
Chas. W. Burnley	Paul S. Jonas	H. G. Royalty
C. D. Call	M. Kavanaugh	Amos Runyon
Fred Carpenter	J. T. Linton	Leon J. Shaikun
Jno. H. Clarke, Jr.	A. L. Love	Faust Y. Simpson
A. Roy Copeland	C. C. May	George T. Smith
John Henry Cox	W. B. Moser	Geo. W. Steinford
Fred Creasey	C. Sid Nabb	Joe Stewart
Adron Doran	Joe E. Nunn	Thos. M. Swope
J. R. Dorman	H. C. Patterson	Roy L. Taylor
T. H. Dyer	Chester Peterson	S. J. Wagner
Harry W. Ennis	J. Gip Prather	Harry F. Walters
Franklin Goins	L. W. Preston	—47

Those who voted in the negative were—

Chas. W. Anderson	J. J. Huff	Coy C. Nevitt
Henry Arrowood	W. N. Hughes	Jno. C. Newcomb
Isaac Blevins	W. H. Hunt	Albert W. Pfeiffer
Douglas T. Bolling	Lee Johnson	Sylvester Phillips
Willis Champion	Wm. E. Justice	James T. Philpott
Marvin Cornett	G. M. Knuckles	C. R. Reeves
John P. Craig	Homer E. Losey	Wade H. Riley
Thos. S. Dawson	Pearl McKinney	Carl Scheben
Bernie S. Edlin	Ed Marcum	F. W. Schuhmann
Dr. J. C. Gabbard	Johnston Miller	Vernon Seaton
J. D. Gross	Harry L. Moore	Jno. W. Simmons
Jas. P. Hallahan	Herbert V. Moore	Robt. J. Spaulding
Claude Hammons	J. Lee Moore	E. A. Spencer
B. C. Holbrook	L. D. Moore	Arthur Stallard

C. W. Taylor	E. B. Thompson	Speaker Harry
Egbert V. Taylor	John L. Trumbo	Lee Waterfield
H. Thieman, Jr.	R. E. West	
Otis C. Thomas	Taylor Witt	—51

Mr. Waterfield moved that the vote by which said bill was rejected, be reconsidered.

Said motion was agreed to.

Mr. J. Lee Moore moved that said bill be laid on the Clerk's Desk with leave to call at any time.

Said motion was agreed to.

Without objection, the following bills were introduced, viz.:

By Mr. J. Lee Moore.

H. B. 320. An Act relating to life insurance policies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 296.040 is amended to read as follows:

Sec. 296.040. Valuation of outstanding life policies in this state; payment of cost. (1) The director shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endorsement contracts of every life insurance company doing business in this state, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or other) used in the calculation of such reserves. In calculating such reserves, he may use group

methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves herein required of any foreign or alien company, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the director when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction. The cost of making valuations under this section shall be assessed on the company whose policies are so valued.

Any such company which at any time shall have adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the director, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(2) The minimum standard for the valuation of all such policies and contracts issued prior to the operative date of KRS 297.131 (the Standard Non-forfeiture Law) shall be that provided by the laws in effect immediately prior to such date.

Reserves for all such policies and contracts may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by this subsection.

(3) This subsection shall apply to only those policies and contracts issued on or after the operative date of KRS 297.131 (the Standard Non-forfeiture Law).

(a) The minimum standard for the valuation of all such policies and contracts shall be the Commissioners reserve val-

uation method defined in paragraph (b), three and one-half per cent (3½%) interest, and the following tables:

(i) For all Ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies—the Commissioners 1941 Standard Ordinary Mortality Table.

(ii) For all Industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies—the 1941 Standard Industrial Mortality Table.

(iii) For Annuity and Pure Endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table.

(iv) For Total and Permanent Disability benefits in or supplementary to Ordinary policies or contracts—Class (3) Disability Table (1926) which, for active lives, shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(v) For Accidental Death benefits in or supplementary to policies—the Inter-Company Double Indemnity Mortality Table combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vi) For Group Life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the director.

(b) Reserves according to the Commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy

shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (A) over (B), as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one dollar per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(B) A net one year term premium for such benefits provided for in the first policy year.

Reserves according to the Commissioners reserve valuation method for (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) annuity and pure endowment contracts, (3) disability and accidental death benefits in all policies and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of this paragraph (b).

(c) In no event shall a company's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits be less than the aggregate reserves calculated in accordance with the method set forth in paragraph (b) and the mortality table or tables and rate or rates of interest used in calculating non-forfeiture benefits for such policies.

(d) Reserves for any category of policies, contracts or benefits as established by the director, may be calculated, at

the option of the company, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any non-forfeiture benefits provided for therein. Provided, however, that reserves for participating life insurance policies may, with the consent of the director, be calculated according to a rate of interest lower than the rate of interest used in calculating the non-forfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the non-forfeiture benefits by more than one-half per cent (½%) the company issuing such policies shall file with the director a plan providing for such equitable increases, if any, in the cash surrender values and non-forfeiture benefits in such policies as the director shall approve.

(e) If the gross premium charged by any life insurance company on any policy or contract is less than the net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium-paying period.

Section 2. KRS 297.120 is amended to read as follows:

Section 297.120.* Ordinary plan life insurance; cash surrender, paid-up insurance of loan value on default of payment of premiums. (1) No policy of life or endowment insurance upon the ordinary plan, other than pure endowments with or without return of premiums, issued prior to the opera-

tive date of KRS 297.131 (the Standard Non-forfeiture Law), shall be issued or delivered in this state, or be issued by any domestic life insurance company, unless it contains in substances the following provisions:

(a) A provision that in event of default in premium payments, after premiums have been paid for three years, the insured shall be entitled to a stipulated form of insurance the net value of which shall be at least equal to the reserve on the policy at the date of default (the policy to specify the mortality table and rate of interest adopted for computing the reserve and its conversion into paid-up or extended insurance), less a specified percentage of not more than two and one-half per cent of the amount insured by the policy, and of any existing dividend additions thereto, and less any existing indebtedness to the company on or secured by the policy. The reserve shall be computed on a basis that will make the reserve, before any deductions have been made, not less than if computed in accordance with KRS 297.080, except that in the case of intermediate policies issued in units of five hundred dollars, which call for the payment of higher premiums than those charged for standard risks in policies of one thousand dollars or more, as well as in the case of policies which, by reason of residence, occupation or personal or family history or impaired health, also call for the payment of higher premiums than those charged for standard risks, the reserve may be based upon the table of mortality and rate of interest stated in the policy in lieu of that prescribed by KRS 297.080. There shall be a further provision that the policy may be surrendered to the company at its home office within one month of date of default for a specified cash value at least equal to the sum that would otherwise be available for the purchase of

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* This section is identical with present section 297.120 except for the insertion of the words "issued prior to the operative date of KRS 297.131 (the standard Non-forfeiture Law)."

insurance as aforesaid in which case the company may defer payment for not more than three months after the application therefor is made. The provisions of this paragraph shall not be required in term insurance of twenty years or less.

(b) A provision specifying the options to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums have been paid. This provision shall not be required in term insurance of twenty years or less. A provision may also be inserted in the policy that in event of default in a premium payment before the options become available, the reserve on any dividend additions then in force may, at the option of the company, be paid in cash or applied as a net premium to the purchase of paid-up term insurance for any amount not in excess of the face of the original policy, and any other provision favorable to the insured not in conflict with the provisions herein specified may be inserted.

(c) A table showing in figures the loan values and the options available under the policy each year after the third year upon default in premium payments, during at least the first twenty years of the policy or during the premium-paying period if less than twenty years, and where either the cash or loan value, the paid-up insurance or the extended insurance as specified in the table equals or exceeds the amounts that would be required under paragraph (a) of this subsection, then the values specified in the table shall be binding both upon the company and the insured, subject only to such adjustments by reason of any outstanding indebtedness to the company on the policy as may be provided for in the policy. If the insured elects to avail himself of any of the options as specified in the table or if one of these options becomes automatically effective in event of lapse and in accordance with the terms of the policy contract, then the granting of either value specified in the table shall be in full settlement and satisfaction of all claims under the policy.

(2) In construing the provisions of this section, ordinary insurance or insurance upon the ordinary plan shall be considered to be insurance that may be paid for by a single premium, by annual premiums or by semi-annual or quarterly or other installments thereon at the option of the company.

(3) Any condition or stipulation in the policy of insurance or elsewhere contrary to the provisions of this section, and any waiver of such provisions by the assured, shall be void.

Section 3. KRS 297.130 is amended to read as follows:

Sec. 297.130.* Industrial plan life insurance; cash surrender value or paid-up insurance on default of payment of premiums. (1) No policy of life or endowment insurance upon the industrial plan, issued prior to the operative date of KRS 297.131 (the Standard Non-forfeiture Law), shall be issued or delivered in this state, or be issued by any domestic life insurance company, unless it contains in substance a provision that, in event of default of premium payments after premiums have been paid for five years, the insured shall be entitled to a stipulated form of insurance the net value of which shall be at least equal to two-thirds of the reserve on the policy at date of default, from which any existing indebtedness to the company on or secured by the policy shall be deducted. The reserve shall be computed on a basis that will make the reserve not less than if computed in accordance with KRS 297.080. In computing paid-up or extended insurance under this subsection the company may use single premiums based upon the standard industrial table of mortality with interest at not more than four per cent per annum. On industrial policies

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* This section is identical with present section 297.130 except for the insertion of the words "issued prior to the operative date of KRS 297.131 (the Standard Non-forfeiture Law)."

defaulting and surrendered to the company on their fifth or any succeeding anniversary, application for a paid-up or extended policy shall be made in writing within eight weeks after the due date of the first defaulted premium on blanks obtainable from the company for that purpose.

(2) Every such policy, subject to conditions as to paid-up and extended insurance values, after the payment of five full years' premiums thereon shall have a cash surrender value which shall not be less than seventy per cent of the reserve that would be required for the aforesaid paid-up or extended insurance, after deducting for all indebtedness as above provided. Application for the cash surrender value shall be made in writing within eight weeks after default, on blanks obtainable from the company for that purpose. On policies of industrial insurance where the weekly premiums are less than fifty cents each it shall be optional with the company issuing the policy to pay either the cash surrender value or issue paid-up or extended insurance, and upon such payment the company shall be absolutely released from all further claims under or by reason of the policy, which shall then be canceled.

(3) The provisions of this section shall not apply to policies issued on the lives of persons under ten years of age until five years after they attain that age.

(4) In construing the provisions of this section, industrial insurance shall be considered to be insurance purchasable solely by weekly premiums.

(5) Any condition or stipulation in the policy of insurance or elsewhere contrary to the provisions of this section, and any waiver of such provisions by the assured, shall be void.

Section 4. KRS 297.131 is created to read as follows:

Sec. 297.131. Standard Non-forfeiture Law. (1) In the case of policies issued on or after the operative date of this section, as defined in subsection (9), no policy of life insurance, except as stated in subsection (6), shall be issued or delivered in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the director are at least as favorable to the defaulting or surrendering policyholder:

(i) That, in the event of default in a premium payment, the company will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up non-forfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(ii) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of Ordinary insurance or five full years in the case of Industrial insurance, the company will pay, in lieu of any paid-up non-forfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(iii) That a specified paid-up non-forfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default.

(iv) That, if the policy shall have become paid up by completion of all premium payments or if it is continued under any paid-up non-forfeiture benefit which became effective on or after the third policy anniversary in the case of Ordinary insurance or the fifth policy anniversary in the case of Industrial insurance, the company will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(v) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up non-forfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up non-forfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the company on the policy.

(vi) A statement of the method to be used in calculating the cash surrender value and the paid-up non-forfeiture benefit available under the policy on any policy anniversary with an explanation of the manner in which the cash surrender values and the paid-up non-forfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the company on the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The company shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

(2) Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection (1), shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the adjusted premiums as defined in subsection (4), corresponding to premiums which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the

company on the policy. Any cash surrender value available within thirty days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up non-forfeiture benefit, whether or not required by subsection (1), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the company on the policy.

(3) Any paid-up non-forfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

(4) The adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) two per cent of the amount of insurance, of the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) forty per cent of the adjusted premium for the first policy year; (iv) twenty-five per cent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less. Provided, however, that in applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to

exceed four per cent (4%) of the amount of insurance or level amount equivalent thereto. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent level amount thereof for the purpose of this subsection shall be deemed to be the level amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the inception of the insurance as the benefits under the policy.

All adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table for Ordinary insurance and the 1941 Standard Industrial Mortality Table for Industrial insurance and the rate of interest, not exceeding three and one-half per cent (3½%) per annum specified in the policy for calculating cash surrender values and paid-up non-forfeiture benefits. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a non-forfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty per cent (130%) of the rates of mortality according to such applicable table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the director.

(5) Any cash surrender value and any paid-up non-forfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for

the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (2) (3) and (4) may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (2), additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as decreasing term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, and (e) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and non-forfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up non-forfeiture benefits.

(6) This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen years or less expiring before age sixty-six, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsection (4), is less than the adjusted premium so calculated, on such fifteen year term policy issued at the same age and for the same initial amount of insurance, nor to any policy which shall be delivered outside this state through an agent or other representative of the company issuing the policy.

(7) In construing the provisions of this section, ordinary insurance or insurance upon the ordinary plan shall be

considered to be insurance that may be paid for by a single premium, by annual premiums or by semi-annual or quarterly or other installments thereon at the option of the company; and industrial insurance shall be considered to be insurance purchasable solely by weekly premiums.

(8) Any condition or stipulation in the policy of insurance or elsewhere contrary to the provisions of this section, and any waiver of such provisions by the assured, shall be void.

(9) After the effective date of this Act, any company may file with the director a written notice of its election to comply with the provisions of this section after a specified date before January first, nineteen hundred and forty-eight. After the filing of such notice, then upon such specified date (which shall be the operative date for such company), this section shall become operative with respect to the policies thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be January first, nineteen hundred and forty-eight.

Section 5. KRS 297.132 is created to read as follows:

Sec. 297.132. Policy loans. No policy issued on or after the operative date of KRS 297.131 shall be issued or delivered in this state or be issued by any domestic life insurance company unless it contains a table showing in figures the loan values available either during the first twenty policy years or during the term of the policy, whichever is shorter. The company shall reserve the right to defer such loan, except when made to pay premiums, for six months after application therefor is made. This section shall not apply to any industrial policy, term policy, reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any policy which shall be delivered outside this state through an agent or other representative of the company issuing the policy.

By Mr. Riley.

H. B. 321. An Act relating to the Court of Appeals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 21.150 of the Kentucky Revised Statutes is repealed.

By Mr. Preston.

H. B. 322. An Act imposing a tax on the privilege of processing distilled spirits through storage in charred oak barrels in bonded warehouses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is levied a tax, for state purposes, upon the privilege of processing distilled spirits (as defined in KRS 241.010) by storage in charred oak barrels in bonded warehouses in this state. The tax shall be at the rate of ten cents on each wine gallon that is stored for four years or less, twenty cents on each wine gallon that is stored from four to six years, thirty cents on each wine gallon that is stored from six to eight years, and forty cents on each wine gallon that is stored for more than eight years. The tax shall be due and payable at the time the distilled spirits are withdrawn from the warehouse. The operator of the warehouse shall be responsible for the collection of the tax from the person who has exercised this privilege, and shall collect the tax and remit it to the Department of Revenue. No operator of a bonded warehouse in this state shall permit distilled spirits to be

withdrawn therefrom until the tax imposed by this section has been paid.

§ 2. Every operator of a bonded warehouse in which distilled spirits are stored in this state shall make such reports as may be required by the Department of Revenue to enable administration of this Act.

§ 3. The tax imposed by section 1 of this Act shall not become due by reason of a mere removal of the distilled spirits from one bonded warehouse to another bonded warehouse in this state, but in that event the owner or proprietor from whose warehouse the spirits are moved shall execute a bond, in an amount and with surety approved by the Department of Revenue, conditioned on the payment of the amount of taxes that would be due if the spirits were then being withdrawn from storage.

§ 4. In case distilled spirits are moved from one bonded warehouse to another in this state, or the ownership of distilled spirits changes during the period of processing, the total period of processing shall determine the rate of tax applicable, regardless of such change of place of storage or ownership.

§ 5. The operator of the bonded warehouse in which the distilled spirits are stored shall be primarily liable to the state for the tax imposed by section 1 of this Act, and he shall have a lien on the spirits for the amount of the tax paid by him on behalf of the person who has exercised the taxed privilege.

§ 6. Any operator of a bonded warehouse who violates any of the provisions of this Act shall be fined not less than five hundred dollars nor more than five thousand dollars. If such violation consists of permitting distilled spirits to be withdrawn without payment of the tax, the operator shall be liable in a civil action for the amount of tax together with a penalty of twenty percent thereon.

By Mr. Prather.

H. B. 323. An Act relating to the collection of the license tax on dogs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The County clerk in each County when making out the various tax lists of said County shall, when a dog or dogs have been assessed to any taxpayer, charge the taxpayer with the license tax of $1.00 for each male dog and $2.00 for each female dog, and place it on his or her tax bill for collection by the sheriff, who will upon collection deliver a tag to the taxpayer for the calendar year for the taxes of which the tax bill was made out. This is intended to be an additional means of enforcing collection of the dog license tax, and shall not relieve the owner of the duty to procure the license and pay the tax as provided in KRS 258.170.

By Mr. C. W. Taylor.

H. B. 324. An Act providing for the maintenance of county and municipal airports by the Department of Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Department of Highways shall furnish men, machinery, materials and equipment for the maintenance of any and all airports heretofore or hereafter established by cities, counties, or cities and counties jointly, that have paved runways and are approved by the Civil Aeronautics Administration or its legal successor. The maintenance work shall be

performed by the Department of Highways when and as requested by the governing boards of the respective airports, as and when required to maintain same in serviceable condition according to Civil Aeronautics standards.

By Mr. Linton.

H. B. 325. An Act relating to the payment of jurors; compensation for clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 28.180 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Circuit Court Clerk shall be allowed 5% of all funds forwarded to the State Treasury under section 28.170, and an amount equal to 5% of the funds disbursed by him to jurors under this section.

By Mr. Losey.

H. B. 326. An Act to require the construction of sheds or other structures for the protection of workmen employed by common carriers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any common carrier, railroad, or transportation company within this state which maintains fixed places of repair, or places of preparation for use, for its trucks, busses, motors, locomotives, or other transportation motive power, and which employs three or more employes at any such point for the repair or preparation of the aforesaid equipment, shall

provide suitable shelters, sheds or other structures for the protection of its employes against the inclemency of the weather. This Act shall especially apply to railroads in the operation of "Ready Tracks" or other stations where locomotives are oiled, supplied, or in other manner made ready to take their trains over a fixed route.

§ 2. Any common carrier, railroad, or transportation company violating the provisions of this Act shall be fined the sum of One Hundred Dollars for each offense, and each day that shelter is not provided shall constitute a separate offense.

By Mr. Ennis.

H. B. 327. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every race track shall pay to the state a tax in the amount of five percent (5%) of all money bet through the pari-mutuel or similar system of betting legally in operation at the track.

§ 2. The manager of every race track is hereby appointed the agent of the Department of Revenue for the collection of the tax levied by this Act. Such manager shall at the conclusion of each week of racing and not later than the Tuesday following the conclusion of each week of racing report, on blanks furnished by the Department of Revenue, the total amount of money bet each day, and at the same time shall pay to the Department of Revenue the amount of the tax hereinabove levied upon such money bet. The manager of every race track shall make such arrangements with the operators of the pari-mutuel or other system of betting as shall be

necessary for obtaining the information required by this section and collecting the tax levied by this Act.

§ 3. Upon failure of the manager of the race track to make the report and pay the tax within the time provided in Section 2, a penalty of twenty per cent (20%) of the amount of the tax with interest at the rate of six per cent (6%) per annum from the date when due until paid is hereby imposed and shall be paid into the State Treasury as part of the tax. Should it be necessary to bring legal proceedings for the collection of the tax imposed by this Act, an additional penalty of twenty per cent (20%) is hereby imposed.

§ 4. Every race track shall be responsible for the faithful performance by its manager of the duties imposed by this Act upon said manager, and upon failure of performance of such duties the Department of Revenue shall refuse to issue the license required by KRS 137.170, and may enjoin the operation of the race track.

§ 5. The administration of this Act is vested in the Department of Revenue, which may prescribe all forms and promulgate all rules and regulations necessary for the enforcement thereof.

By Mr. Howell.

H. B. 328. An Act relating to the obtaining of credit under false pretenses or by false statement.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any merchant in this state, before extending credit to any person applying for the same, may require the applicant to furnish a statement in writing, in the presence of a witness,

showing the property owned and the salary being earned by the applicant. If said statement, or any part thereof, is willfully false, and such person obtains credit from the merchant by reason of the merchant relying on and being deceived by said false statement, or any part thereof, then such person shall be punished by imprisonment in the county jail for not exceeding six months or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

By Mr. Stewart, Mr. Howard and Mr. Preston.

H. B. 329. An Act relating to the expenses of elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 118.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) The printing and delivery of ballots and cards of instruction to voters shall, in city elections, be paid for by the city. In all other elections, the printing of the ballots and cards of instruction for the voters in each county, and the delivery of them to the several voting precincts, shall be paid for by the county.

(2) The cost of all elections held in any county shall be allowed by the fiscal court and paid by the county treasurer except as otherwise provided by law.

(3) When the cost of any election has been allowed by the fiscal court and paid by the county treasurer, as provided in this section or in any other section requiring the county to pay the cost of an election, the county treasurer shall certify the amount of such expenses, indicating each item of expense separately, together with a statement of the number of pre-

cincts in the county, the date and kind of election to the Department of Finance. Upon receipt of such certification and upon being satisfied as to the correctness thereof, the Department of Finance shall issue its warrant upon the State Treasurer in favor of the county treasurer for one-half of the amount of such expenses but not exceeding in any event an amount equal to twelve dollars and fifty cents for each precinct in the county. All sums paid under this section shall be in addition to any paid by the state for ballot paper in elections.

By Messrs. Stewart, Howard and Preston.

H. B. 330. An Act relating to record books required by Circuit and County Courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 28.130 of the Kentucky Revised Statutes is amended to read as follows:

The record books required by circuit and county clerks shall be procured by the clerk upon the order of the court of which he is a clerk, and shall be paid for by the state, but the annual cost to the state for record books for each county shall be limited to the following amounts: Counties having 10,000 or less population, $300; counties having over 10,000 and less 20,000 population, $375; counties having 20,000 and less than 30,000 population, $450; counties having 30,000 and less than 40,000 population, $525; counties having 40,000 to 60,000 population, $750; counties having over 60,000 population, $3,000. All costs for record books in excess of these amounts shall be paid by the respective counties for which record books are purchased.

Ordered that said bills be referred and printed.

A message was received from the Senate announcing that they had passed a bill which originated in this House, entitled:

H. B. 79. An Act relating to Insurance, amending Sections 299.010, 299.310, 299.380, 299.420, 299.400 of KRS.

With amendments thereto as proposed and adopted by the Senate.

Mr. Shaikun moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 17, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Herman J. Womeldorf of the Southern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	C. D. Call	Thos. S. Dawson
Henry Arrowood	Fred Carpenter	Adron Doran
F. H. Bassett, Jr.	Willis Champion	J. R. Dorman
W. G. Biggers	Jno. H. Clarke, Jr.	T. H. Dyer
Isaac Blevins	A. Roy Copeland	Bernie S. Edlin
Douglas T. Bolling	Marvin Cornett	Harry W. Ennis
J. C. Bradley	John Henry Cox	Dr. J. C. Gabbard
Jno. W. Burkhart	John P. Craig	Chas. B. Gentry
Chas. W. Burnley	Fred Creasey	Franklin Goins

J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hammons moved that a bill entitled:

H. B. 243. An Act relating to alcoholic beverages.

Be made a Special Order for 3:00 P. M. today.

Said motion was agreed to.

Mr. J. Lee Moore moved that a bill entitled:

H. B. 279. An Act to require burial associations to pay benefits in money or service.

Be made a Special Order of the Day for 3:30 P. M. today.

Said motion was agreed to.

Mr. Miller moved that a bill entitled:

H. B. 167. An Act relating to state appropriations for county roads.

Which was reported by the Committee on Roads and Highways No. 1 on February 8, without an expression of opinion,

Be taken from the Clerk's Desk and advanced to a reading.

Said motion was agreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Reeves moved that a bill entitled:

H. B. 209. An Act to direct the Department of Highways to apportion the State appropriation for the improvement reconstruction and maintenance of county roads and bridges one-half between all the counties etc.

Which was reported by the Committee on Roads and Highways No. 1 on February 8 without an expression of opinion

Be taken from the Clerk's Desk and advanced to a reading.

Without objection, said motion was withdrawn.

Mr. Walters moved that the House do now take up for consideration a bill which was reported to this House on yesterday from the Senate, entitled:

H. B. 79. An Act relating to insurance, amending sections 299.010, etc.

With amendments thereto as proposed and adopted by the Senate.

Said motion was agreed to.

Thereupon the House took up for immediate consideration said bill.

(For bill see House Journal of January 25)

Said amendments as proposed and adopted by the Senate are as follows, viz.:

1. Amend H. B. 79 in Senate, in line 9, section 1 by inserting after the word "explosion" the following:

", except explosion by steam boilers or flywheels,"

2. Amend H. B. 79 in Senate, by inserting in line 9 of Section 3 after the word "explosion" the following:

", except explosion by steam boilers or flywheels,"

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt

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Mr. Walters moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Wagner moved that Sally and Jimmy Quill, son and daughter of Mr. James Quill from the County of Kenton, be appointed Honorary Pages of this House.

Said motion was agreed to.

Mr. Egbert V. Taylor moved that a bill entitled:

H. B. 35. An Act appropriating money for the operation, maintenance, etc. for the State government for the fiscal years ending June 30, 1945 and June 30, 1946.

Which was previously made a Special Order for 2:30 P. M. on today,

Be made a Special Order of the Day, for 10:00 A. M. on tomorrow.

Said motion was agreed to.

Mr. Quill moved that when the House adjourn today, it adjourn to meet on tomorrow at 10:00 A. M.

Said motion was agreed to.

The Standing Committees of the House to which the same had been referred, reported bills of the following titles, viz.:

By Mr. E. V. Taylor of the Committee on Printing.

H. B. 306. An Act relating to publication of financial statements of governmental units.

By Mr. Shaikun.

H. B. 262. An Act relating to airports in counties containing a city of the first class.

By Mr. Walters of the Committee on Agriculture No. 1.

H. B. 314. An Act to regulate, control, fix standard weights of wheat flour.

H. B. 301. An Act to require enrichment of bread and flour by the addition of certain vitamins.

By Messrs. Walters and Price of the Committees on Agriculture No. 1 and No. 2.

H. B. 239. An Act relating to the marketing of livestock.

By Mr. Howell of the Committee on Claims.

H. Res. 11. Resolution authorizing S. S. Oldfield of Index, to sue the Commonwealth.

H. Res. 38. Resolution authorizing Earl Dacon, A. P. Weller, John Shaw and T. J. Thornton to sue the Commonwealth.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Burkhart of the Committee on State Parks.

H. B. 116. An Act relating to State Parks.

By Mr. Walters of the Committee on Agriculture No. 1.

H. Res. 16. Resolution petitioning the Secretary of Agriculture of the U. S. for an increase in tobacco allotment.

Without an expression of opinion.

No motion having been made to advance said bill and resolution to a reading, it was ordered that said bill and resolution be not read at length the first time.

Ordered that said bill and resolution be laid on the Clerk's Desk.

By Messrs. Walters and Carpenter of the Committees on Agriculture No.1 and No. 2.

H. B. 111. An Act relating to the marketing of tobacco, with particular reference to the charges for services to be made by tobacco warehouses.

With the expression of opinion that said bill ought not to pass.

No motion having been made to advance said bill to a reading the report of the Committees to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bill be not read at length the first time, and so said bill was rejected.

Mr. Walters of the Contest Committee heretofore selected by this House in accordance with the provisions of the Constitution and Statutes of this Commonwealth to hear the contest and to determine the right to a seat in this House from the 38th Legislative District of the City of Louisville in the case of Spillman versus Phillips, offered the following report:

REPORT OF COMMITTEE ON THE CONTEST OF THE ELECTION OF SYLVESTER PHILLIPS

Adopted 2-17-44.

The Contest Committee of the House of Representatives of the Commonwealth of Kentucky selected to hear and consider the contest of the election of Sylvester Phillips, filed by Charles L. Spillman, after first being duly sworn, met in the Capitol Building, House of Representatives, Frankfort, Kentucky, on the 5th day of January, 1944 and took under consideration the above mentioned contest.

Said Committee, after considering the notice of contest filed by the Contestant, Charles L. Spillman, the Committee with the agreement of the counsel for the Contestant and the Contestee, employed the Honorable Jasper P. Hagan, of Louisville, Kentucky, as Commissioner for the purpose of counting the ballots of the election unit of said contested election and to report his findings to this Committee; and after considering the report filed by said Commissioner and after hearing the attorneys for the Contestant and the Contestee, the undersigned members of said Committee, for the majority report of said Committee, find that the Contestee, Sylvester Phillips, is the duly qualified and elected representative of that part of the City of Louisville, composing the thirty-eighth legislative district, and that he should retain his seat.

For the further report said Committee recommends that the cost of the contest should be paid by the Commonwealth of Kentucky, including an attorney's fee of fifty dollars ($50.00) to the attorney representing the Contestant and a fee of fifty dollars ($50.00) to the attorney representing the Contestee, said cost shall not include any fee to the observers for the respective parties.

The undersigned members of said Committee recommend that the House approve said report.

Harry F. Walters
Johnston Miller
J. G. Prather
T. H. Dyer
J. D. Gross
Morrison Kavanaugh
Bernie S. Edlin
W. G. Biggers.

Mr. Walters moved that said report be adopted and approved by the House.

Said motion was agreed to.

Said report was then approved and adopted.

Thereupon the Speaker declared the said Sylvester G. Phillips from the 38th Legislative District of the City of Louisville, to be duly and regularly a member of this House, and entitled to all the rights and privileges of this House.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 245. An Act relating to education.

H. B. 287. An Act relating to the establishment by cities of a gas and garbage disposal system.

H. B. 213. An Act relating to local health units.

With a Committee Amendment thereto.

H. B. 278. An Act relating to city officials.

H. B. 78. An Act granting and confirming in the Court of Appeals and other courts power to regulate pleading, and practice and procedure in the courts.

With a Committee amendment thereto by way of Substitute therefor.

S. B. 37. An Act pertaining to the withdrawal of money from the State Treasury and the purposes to which money paid into the State Treasury may be devoted, and to provide for an amendment to Constitution.

S. B. 38. An Act providing for persons living in cities of 5th and 6th classes to demand of county school board to place their property in a certain school district.

With a Committee Amendment thereto.

H. B. 107. An Act relating to occupational license taxes.

H. B. 114. An Act relating to revenue and taxation.

H. B. 293. An Act relating to the furnishing of copies of Acts and Journals of the General Assembly to the State Teachers' Colleges.

H. B. 285. An Act relating to elections with particular reference to corrupt practices.

H. B. 256. An Act relating to motor transportation.

H. B. 298. An Act relating to safety and health of employees.

H. B. 157. An Act relating to a tax on the sale of admissions to be placed on amusement.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The Speaker announced that he had referred bills heretofore introduced or reported to this House, as follows, viz.:

BILLS REFERRED

H. B. No. 320—Insurance (Life & Casualty)

H. B. No. 321—Ways & Means

H. B. No. 322—Alcohol & Liquor Control No. 1

H. B. No. 323—Ways & Means

H. B. No. 324—Roads & Highways No. 2

H. B. No. 325—Ways & Means

H. B. No. 326—Motor Transportation

H. B. No. 327—Revenue & Taxation

H. B. No. 328—Kentucky Statutes

H. B. No. 329—Suffrage & Election

H. B. No. 330—Kentucky Statutes

S. B. No. 23—Constitutional Amendments

S. B. No. 49—Public Utilities

A message was received from the Senate announcing that they had passed a bill which originated in that body, entitled, viz.:

S. B. 27. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The following sections of the statutes are created to constitute a part of Chapter 150 of the Kentucky Revised Statutes and to read and be numbered as follows:

150.021. (1) There is created an agency of the State Government to be known as the Division of Game and Fish, which shall constitute an independent agency of the State Government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The Division shall consist of a game and fish commission, a director, and such conservation officers and other agents and employees as are provided for in this chapter. The division shall enforce the laws relating to wild life and exercise all necessary powers incident thereto.

(2) The word sportsmen as used in this act shall mean a resident hunter or fishermen licensed in Kentucky each year for the past two consecutive years.

150.022 (1) The Game and Fish Commission shall consist of nine members, one from each Congressional District, and not more than five of the same political party.

(2) The Governor shall appoint the members of the Commission. Of the first Commission appointed, two members shall be appointed for terms of one year, two for two years, two for three years, and three for four years, and thereafter as their respective terms expire, their successors shall be appointed for four-year terms.

(3) The first Game and Fish Commission appointed after the effective date of this Act shall be appointed in the following manner: The Director of the Division of Game and

Fish in the Department of Conservation, in the office as of the effective date of this Act, shall within thirty days after the effective date of this Act, call a meeting of the sportsmen in each of the Congressional Districts of the State. Notice of the meetings shall be published at least two times in a newspaper of state-wide circulation at least thirty days previous to the meetings. At the meeting in each district, the sportsmen in attendance shall select three residents and citizens of the district, who are well informed on the subject of wild life conservation and restoration, and recommend such persons to the Governor for appointment to the Game and Fish Commission. The Governor shall appoint the members of the first Game and Fish Commission from the names so submitted, within sixty days after the effective date of this Act. Until such time as the first Game and Fish Commission appointed under the provisions of this Act have met and organized, the Division of Game and Fish in the Department of Conservation, as constituted on the effective date of this Act, shall continue to function.

(4) Vacancies through expiration of terms of the members of the commission shall be filled by appointment by the Governor from a list of three names from each Congressional District, recommended and submitted by the sportsmen of the respective districts. When the term of a member expires, the Director shall call a meeting of the sportsmen in that district not later than thirty days prior to the expiration of the term of the member whose term expires in that year. Notice of the meeting shall be given by publication at least two times in a newspaper having state-wide circulation, at least thirty days previous to the day set for the meeting. At such meeting, the sportsmen in attendance shall select and recommend to the Governor a list of five residents and citizens of the district who are well informed on the subject of wild life conservation and restoration.

(5) In the case of vacancies other than expirations, the Governor shall fill the vacancy for the unexpired part of the term from the names remaining on the list last previously submitted for the district with regard to which the vacancy exists.

(6) Each commissioner shall take the constitutional oath of office, and shall give bond in the sum of one thousand dollars, which shall be filed in the office of the Secretary of State. The premiums on such bonds shall be paid out of the Game and Fish Fund.

(7) The Governor shall remove a commissioner for inefficiency, neglect of duty, or misconduct in office, delivering to him a copy of all charges and affording him an opportunity of being publicly heard in person or by counsel in his own defense, upon not less than ten days' notice. If a commissioner shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such commissioner and his findings thereon, together with a complete record of the proceedings.

(8) Each commissioner shall be entitled to reimbursement for actual and necessary traveling and other expenses made by him in the discharge of his official duties, such expense not to exceed five hundred dollars per annum for each member, and to be paid from the Game and Fish Fund.

(9) A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty, or the exercise of any power of which they are invested.

(10) The Division shall have its principal office in Frankfort, Kentucky, and is authorized to purchase all supplies, equipment and printed forms, and to issue such notices and

publications as the Director may deem necessary to carry out the provisions of this chapter.

150.023 (1) The members of the commission shall meet in Frankfort within 30 days after their appointment and shall organize by electing from their membership a chairman and other officers. The commission shall thereafter meet quarterly, or as often as may be necessary for the transaction of business, upon reasonable notice to each member of such meetings.

(2) The commission shall conduct Civil Service Examinations for all employees of the Division.

(3) The commission shall at all times keep a watchful eye over the Division of Game and Fish, and advise the Director to take such action as may be beneficial to the division in the interest of wild life and conservation of natural resources.

(4) The Director, with approval of the commission, shall establish such bureaus and subdivisions, and shall employ such experts, clerks and other employees as he deems necessary for the conduct of the work of the division, and shall fix the compensation of all employees of the division, to be paid out of the Game and Fish Fund.

(5) The Director, with approval of the commission, shall authorize such scientific and other studies as he deems necessary, and shall collect, classify and disseminate such statistics, data and information as in his discretion will tend to promote the objects of this chapter.

(6) The Director, with approval of the commission shall have the exclusive power to expand for the protection, conservation, propagation, and restoration of game, birds, fish and fur bearing animals, all funds of the state acquired for

the protection, conservation, propagation or restoration of birds, animals, or fish, arising from licenses, gifts, or otherwise.

150.024 (1) The division shall have the right to acquire such property as is necessary in the carrying out of the purpose of this Act and shall have the right of eminent domain as provided in KRS 416.010 to 416.080 inclusive.

150.061 (1) Upon the organization of the commission, the commission shall appoint a director of the Division of Game and Fish, who shall be a man with knowledge of and experience in the requirements for the protection, conservation and restoration of the wild life resources of the state. The director shall serve for an indefinite term, subject to removal by the commission for the same causes and in the same manner in which the Governor may remove a commissioner.

(2) The director shall receive such compensation as the commission may determine, and shall be reimbursed for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(3) Before entering upon the duties of his office the director shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he holds no other public office, nor any position under any political committee or party.

(4) The director shall execute and file with the Secretary of State a bond in the sum of five thousand dollars. The premium on such bond shall be paid from the Game and Fish Fund.

(5) The director shall have general supervision and control of all activities, functions, and employees of the Divi-

sion of Game and Fish. He shall enforce all the provisions of the laws of the state relating to wild animals, birds and fish, and shall exercise all necessary powers incident thereto not specifically conferred on the commission. The director shall make an annual report of all receipts and disbursements to the League of Kentucky Sportsmen.

150.071 (1) The members of the Game and Fish Commission shall constitute, ex officio, a Civil Service Commission for the Division of Game and Fish.

(2) The commission shall prescribe, propound, and conduct such examinations as are properly commensurate with positions within the Division of Game and Fish.

(3) The time and place for holding such examinations shall be fixed by the commission, and notice thereof shall be given at least ten days prior to the fixed date by announcements through all leading state papers, through press releases, and through distribution in any other manner the commission may deem necessary. Such announcements shall state the time and place, the qualifications required of applicants, and pertinent facts relative to positions to be filled.

(4) The commission shall, as soon after all examinations as practical, grade the applicants and certify to the director an eligible list of all applicants so examined who have made passing grade. The one possessing the highest average grade shall be listed first and all others shall be listed numerically according to the result of the examinations.

150.072 (1) All appointments in the Division of Game and Fish shall be made by the director from the three highest names on the eligible list provided for in KRS 150.071.

(2) No appointment shall be made to any position in the Division of Game and Fish save from the eligible list provided for in subsection (4) of KRS 150.071.

(3) Whenever the director shall determine an emergency exists, he is empowered to make emergency appointments. Such appointments need not come from the eligible list. In no case shall any emergency period exceed 90 days.

150.081 While retaining the right to vote as he may please and to express privately his opinion of all political subjects, no employee or officer of the Division of Game and Fish, including the director, superintendent of hatcheries, and superintendent of conservation officers, shall take any active part in political management or political campaign, nor shall he use his official authority or influence for the purpose of interfering with an election or effecting the result thereof, or for the purpose of coercing the political action of any person or body.

150.082 All conservation officers shall be required to wear full uniform at all times when on duty, such clothing to be in accordance with the regulations of the director and the commission, the division to pay one-half the cost of the first uniform, the officer the balance, and thereafter supplying his own.

150.083 (1) For violation of orders or failure to perform duties, the director may suspend any employee or conservation officer for a period of time not to exceed two months, or may impose a fine of not more than two months pay, or impose both suspension and fine. Conservation officers may also be demoted for violation of orders. For a second or subsequent violation of orders or failure to perform his duties, the accused shall be dismissed by the director.

150.095 Conservation officers are authorized to keep and bear arms in the same manner as all other peace officers, and to exercise the use of such arms as may be necessary in the exercise of their duties.

150.105 (1) Notwithstanding any other provisions of this chapter, the director may, with the approval of the commission, authorize conservation officers or any other person to destroy or bring under control in such manner as he deems necessary, any wild animals, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, or other animals, fish or birds, and which in his judgment should be eliminated or controlled to prevent further damage.

(2) Subsections (3) and (6) of section 150.010 of the Kentucky Revised Statutes are amended to read as follows:

(3) "Commission" means the Game and Fish Commission.

(6) "Division" means the Division of Game and Fish.

(3) Sections 150.020, 150.030, 150.040, 150.050, 150.060, and 150.070 of the Kentucky Revised Statutes are repealed.

(4) Section 150.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The director may appoint from the eligible list provided for in subsection (4) of KRS 150.071, as many conservation officers as may be required to efficiently enforce the game and fish laws in accordance with this chapter.

(2) Before discharging his official duties, each conservation officer shall give bond in the sum of five hundred dollars, with two or more sureties approved by the director. The bond shall be filed in the office of the Secretary of State.

(5) Section 150.240 of the Kentucky Revised Statutes is amended to read as follows:

The director, with the approval of the commission may contract with any land-owner of the state, for a specified

term of years, to set aside and maintain land as a game refuge. The contracts may be recorded in the county clerk's office.

(6) Section 146.010 of the Kentucky Revised Statutes is amended to read as follows:

1. The Department of Conservation shall exercise all administrative functions of the State relating to:

(a) The operation and maintenance of parks and museums, except those allocated to the Department of Library and Archives;

(b) The conservation and protection of natural resources, except wildlife; and

(c) The publicizing of natural resources, agricultural, commercial and industrial development, and tourist attractions.

(2) The Department of Conservation may exercise the right of eminent domain as provided in KRS 148.060 and 148.070.

(7) Section 146.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Conservation shall be headed by a Commissioner of Conservation, who shall receive an annual salary of four thousand dollars.

(2) The Department shall be divided into a Division of Parks, a Division of Forestry, a Division of Publicity, and a Division of Archeology.

(8) Section 146.030 of the Kentucky Revised Statutes is repealed.

(9) Nothing in this chapter is intended to prevent the division from decreasing the number of employees, when in the opinion of the commission and the director it is necessary for the efficient operation of the Division. When the numbers are so decreased, the youngest in point of service shall be the first to be released and shall be placed at the head of the eligible list in the order of their seniority.

(10) For the purpose of carrying into effect the provisions of this Act, any appropriations or funds made or available to the Division of Game and Fish as now constituted under the Department of Conservation by present session of the General Assembly, and any unencumbered balance of appropriations or funds to such Division of Game and Fish as now constituted under the Department of Conservation for the fiscal year 1943-44, shall be transferred to and become available to the Division of Game and Fish established under this Act.

Ordered that said bill be referred and printed.

And that they had passed bills which originated in this House, entitled:

H. B. 58. An Act authorizing and providing for the purchase, leasing, renting or erection of buildings to be located in Kenton County and to be known as Northern Kentucky State Vocational School.

H. B. 104. An Act pertaining to cities of the first class, amending KRS 91.010.

H. B. 105. An Act pertaining to institutions for children in counties having therein a city of the first class.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 196. An Act to amend the Workmen's Compensation Law.

Mr. Shaikun moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 146. An Act relating to State banks and trust companies.

With Committee amendments thereto.

Mr. Preston moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 170. An Act to create a Disabled Ex-Service Men's Board.

With Committee amendment thereto, by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 36.060 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) There is created a board to be known as the Kentucky Disabled Ex-Service Men's Board, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The board shall consist of five members who shall serve for terms of four years and until their successors are appointed and have qualified, except that the members of the first board shall be so appointed that one will serve for a term of one year, one will serve for a term of two years, one will serve for a term of three years, and two will serve for a term of four years. All appointments to the board, including appointments of successors and appointments to fill vacancies, shall be made by the Governor from a list of three names for each position on the board to be filled, submitted by the Commander of the American Legion, Department of Kentucky, such list to be approved by the Executive Committee of the American Legion, Department of Kentucky. The members of the board shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary traveling expenses and lodging incurred in the proper performance of their duties in or out of this state.

(2) The Kentucky Disabled Ex-Service Men's Board shall:

(a) Prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Administration and other Federal agencies;

(b) Secure and expedite action on the claims;

(c) Keep in contact with the United States Veterans' Administration so that the status of any claim may be known at any time;

(d) Continue to survey the state to make certain that no disabled veteran or his dependents are neglected; and

(e) Perform such other duties as the board considers necessary or desirable in the accomplishment of the purposes for which the board was created.

(3) "Veterans" and "ex-service men and women," as used in this section, include any individual who served on active duty in the army, navy or marine corps of the United States and who has received an honorable discharge from such service.

§ 2. Section 36.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The Department of Military Affairs shall have charge of and be responsible to the Governor for the proper functioning of the militia and all other military or naval matters of the state, and shall consist of the following divisions:

(1) Armories Division

(2) Active Militia Division; and

(3) National Guard Division.

§ 3. Any appropriation made by the 1944 General Assembly to the Veterans' Division of the Department of Military Affairs for the fiscal years 1944-1945, 1945-1946, shall be transferred to the credit of, and considered as an appropriation to, the Kentucky Disabled Ex-Service men's Board.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 36.060 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) There is created a board to be known as the Kentucky Disabled Ex-Service Men's Board, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The board shall be composed of the Lieutenant-Governor, who shall act as chairman, the Adjutant General, and three members appointed by the Governor. The appointed members shall serve for terms of four years and until their successors are appointed and have qualified, except that the members of the first board shall be so appointed that the term of one member will be for two years, another for three years and the other for four years. All appointments to the board, including appointments of successors and appointments to fill vacancies, shall be made by the Governor from a list of five names for each position on the board to be filled, submitted by the Commander of the American Legion, Department of Kentucky, such list to be approved by the Executive Committee of the American Legion, Department of Kentucky. The members of the board shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary traveling expenses and lodging incurred in the proper performance of their duties in or out of this state.

(2) The Kentucky Disabled Ex-Service Men's Board shall:

(a) Prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Administration and other Federal agencies;

(b) Secure and expedite action on the claims;

(c) Keep in contact with the United States Veterans' Administration so that the status of any claim may be known at any time;

(d) Continue to survey the state to make certain that no disabled veteran or his dependents are neglected; and

(e) Perform such other duties as the board considers necessary or desirable in the accomplishment of the purposes for which the board was created.

(3) "Veterans" and "ex-service men and women," as used in this section, include any individual who served on active duty in the army, navy or marine corps of the United States and who has received an honorable discharge from such service.

§ 2. Section 36.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The Department of Military Affairs shall have charge of and be responsible to the Governor for the proper functioning of the militia and all other military or naval matters of the state, and shall consist of the following division:

(1) Armories Division

(2) Active Militia Division; and

(3) National Guard Division.

§ 3. Any appropriation made by the 1944 General Assembly to the Veterans' Division of the Department of Military Affairs for the fiscal years 1944-1945, 1945-1946, shall be transferred to the credit of, and considered as an appropriation to, the Kentucky Disabled Ex-Service men's Board.

Mr. Thompson offered the following amendment to said Substitute, viz.:

Amend printed copy of House Bill 170 on pages 1 and 2, section 1, lines 6 to 17

By striking that part of section 1 beginning with "The board" in line 6 and ending with "Kentucky" in line 17, and inserting in lieu thereof the following:

"The board shall consist of five members, which shall be composed of the Lieutenant Governor, who shall act as chairman, the Adjutant General, two members appointed by the Governor from a list of ten names submitted by the Commander of the American Legion, Department of Kentucky, approved by the executive committee thereof, and one member appointed by the Governor from a list of five names submitted by the Commander of the Veterans of Foreign Wars, approved by the Executive Committee thereof. The three members appointed by the Governor shall serve for a term of four years and until their successors are appointed and have qualified."

Mr. Thomas moved the Previous Question and said amendment.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said amendment was then disagreed to.

The yeas and nays being required thereon by Messrs. Preston and J. Lee Moore, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. B. Gentry	Ed Marcum
Isaac Blevins	J. D. Gross	L. D. Moore
Douglas T. Bolling	W. N. Hughes	Coy C. Nevitt
Marvin Cornett	Wm. E. Justice	Chester Peterson
Thos. S. Dawson	H. Clay Kauffman	Albert W. Pfeiffer
Bernie S. Edlin	G. M. Knuckles	Sylvester Phillips
Harry W. Ennis	Homer E. Losey	James T. Philpott

J. Gip Prather	Leon J. Shaikun	C. W. Taylor
Edw. P. Prichard	George T. Smith	E. B. Thompson
Wade H. Riley	E. A. Spencer	John L. Trumbo
Carl Scheben	Geo. W. Steinford	R. E. West
Vernon Seaton	Thos. M. Swope	Taylor Witt

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Those who voted in the negative were—

F. H. Bassett, Jr.	J. J. Huff	James E. Quill
J. C. Bradley	W. H. Hunt	L. Allen Rhoads
Jno. W. Burkhart	Lee Johnson	H. G. Royalty
Chas. W. Burnley	Paul S. Jonas	Amos Runyon
C. D. Call	M. Kavanaugh	F. W. Schuhmann
Fred Carpenter	J. T. Linton	Jno. W. Simmons
Jno. H. Clarke, Jr.	C. C. May	Faust Y. Simpson
John Henry Cox	Johnston Miller	Robt. J. Spaulding
John P. Craig	Harry L. Moore	Joe Stewart
Adron Doran	Herbert V. Moore	Egbert V. Taylor
J. R. Dorman	J. Lee Moore	Roy L. Taylor
T. H. Dyer	C. Sid Nabb	H. Thieman, Jr.
Dr. J. C. Gabbard	Jno. C. Newcomb	Otis C. Thomas
Jas. P. Hallahan	Joe E. Nunn	S. J. Wagner
Claude Hammons	H. C. Patterson	Harry F. Walters
Benton Howard	L. W. Preston	
Jerry F. Howell	Kleber F. Price	

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Mr. Preston moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
Homer E. Losey
A. L. Love
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor

H. Thieman, Jr.	S. J. Wagner	Taylor Witt	
Otis C. Thomas	Harry F. Walters		
John L. Trumbo	R. E. West		—91

Resolved that the title thereof be as amended.

Mr. Preston moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 103. An Act pertaining to registration for elections in cities of the first class, amending KRS 117.310.

H. B. 104. An Act pertaining to cities of the first class, amending KRS 91.010.

H. B. 188. An Act relating to public Education.

H. B. 98. An Act relating to primary elections.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk report said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills, duly signed by the

President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The hour of 3:00 P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz.:

H. B. 243. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 242.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter, unless the context requires otherwise:

(1) "Alcoholic beverage" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter, wine and all other spirituous, vinous, malt or fermented liquors, liquids, and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing more than one per cent of alcohol by volume, which are fit for use for beverage purposes. It does not include:

(a) Denatured alcohol or denatured rum;

(b) Medicinal preparations, manufactured in accordance with formulas prescribed by the United States Pharma-

copoeia, National Formulary of the American Institute of Homeopathy that are unfit for use for beverage purposes;

(c) Patented, patent and proprietary medicines that are unfit for use for beverage purposes;

(d) Toilet, medicinal and antiseptic preparations and solutions that are unfit for use for beverage purposes;

(e) Flavoring extracts and syrups that are unfit for use for beverages purposes;

(f) Vinegar and preserved sweet cider;

(g) Wine for sacremental purposes;

(h) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use;

(i) Alcohol for mechanical and scientific purposes if unfit for a beverage.

(2) "Election" means an election held for the purpose of taking the sense of the people on the propositions contained in KRS 242.050.

(3) "Next ensuing election" shall mean the General Election held in Nineteen Hundred and Forty-six and the general election held every two years thereafter.

(4) "Election unit" means any city or any district or precinct lying within the corporate limits of any city or any county or that part of a county, or any precinct or district lying without the corporate limits of any city.

(5) "Territory" means county, city, district or precinct.

(6) "Vehicle" includes an animal used in hauling a vehicle.

2. Section 242.020 of the Kentucky Revised Statutes is amended to read as follows:

When three or more constitutionally qualified electors of any election unit, as defined in KRS 242.010, desire to circulate a petition for a local option election to be held therein, they shall make written application for such a petition to the county clerk of the county wherein the election unit is situated. The county clerk shall issue to the applicants as many copies of the petition form as may be required by the applicants. Each copy of such form shall bear the date of issuance and the seal of the county clerk. No such petition forms shall be issued by the county clerk more than one hundred twenty (120) days prior to the date of the next ensuing election to be held in such election unit.

The Secretary of State shall prepare and furnish to the several county clerks petitions in manner and form as hereinafter prescribed.

The petition shall be in the following form:

PETITION FOR LOCAL OPTION ELECTION

TO THE COUNTY CLERK OF ..... COUNTY:

The undersigned residents and constitutionally qualified voters of ..... County of .....
Election unit
respectfully petition that you cause to be submitted, in the manner provided by law, to the voters of .....
at the next ensuing election to be held in such election unit, the following propositions:

1. Do you favor the sale at retail in .....
(insert election unit) of malt beverages (beer) by the package only and not for consumption on the premises where sold?

2. Do you favor the sale at retail in .....
(insert election unit) of malt beverages (beer) by the drink?

3. Do you favor the sale at retail in ..... (insert election unit) of distilled spirits and wine by the package only and not for consumption on the premises where sold?

4. Do you favor the sale at retail in ..... (insert election unit) of the distilled spirits and wine by the drink?

Residence Address

No.

Signature of Petitioner

(Including street and number)

Provided, however, if the petition when applied for is intended for circulation in any election unit wherein, under the provisions of KRS 243.230, the issuance of licenses is not authorized for the sale of distilled spirits and wine by the drink for consumption on the premises, then the county clerk shall, before issuing such petition forms, strike therefrom proposition number 4 relating to such sales.

The petition shall consist of sheets each of which shall have such form printed at the top thereof and shall be signed by each petitioner in his own handwriting. Provided, however, if the petitioner is unable to write, he shall sign by a mark, which mark shall be witnessed by a qualified voter of the election unit. Opposite his signature, each petitioner shall write his residence address, including the street and house number. Each sheet shall contain ruled space for the signatures of twenty-five (25) petitioners and shall contain at the bottom thereof the following affidavit:

I, ..., being first duly sworn on
Name of such circulation
oath depose and say that I am a constitutionally qualified voter in.....County of.....
Election unit
Commonwealth of Kentucky, residing at.....street, ..., Kentucky, and that each of the

above petitioners affixed his signature to this petition in my presence, and that to the best of my knowledge and belief each petitioner was, at the time of signing, a constitutionally qualified voter in such election unit, and that he correctly stated his residence address.

.....

Signature of Affiant

The affiant must be a constitutionally qualified voter of the election unit in which the petitioners reside and the affidavit shall be signed and sworn to by him before some Notary Public or other person in such unit who is authorized by law to administer oaths.

A petition for a local option election must at the time of filing with the county clerk contain the signatures of constitutionally qualified voters of the election unit equal in number to at least twenty-five (25%) per cent of the number of votes cast in such unit at the last preceding general election, and must be filed with the county clerk of the county in which such election unit is situated at least sixty days prior to the day of the next ensuing election. Each sheet of such petition must at the time of filing bear the signed affidavit as set forth herein and such sheets shall be fastened together in one document and filed as a whole and when filed shall not be added to or amended in any manner whatsoever.

When such a petition is filed with the county clerk, it shall be his duty to check the signatures on such petition to determine whether the signers were duly registered voters of such election unit at the time the petition was filed, and not less than fifty-five (55) days prior to the day of the next ensuing election he shall certify to the county court the date upon which the petition was issued, the date the petition was filed, the number of duly registered voters of the election unit whose signatures are affixed thereto and the number of votes which were cast in said unit at the last preceding general election. In the event that a petition is filed for an election

in any precinct lying within the corporate limits of a city, and another petition is also filed for an election in the city, embracing such precinct, the propositions shall be submitted to the voters of the city as a unit.

Where a petition is filed for an election in any precinct lying without the corporate limits of any city and another petition is filed for an election in all of that part of the county lying without the corporate limits of any city, the proposition shall be submitted to voters of that part of the county lying without the corporate limits of any city as a unit. The provisions of this section are mandatory and no local option petition shall be valid which at the time of filing fails to conform to the provisions hereof.

3. Section 242.030 of the Kentucky Revised Statutes is amended to read as follows:

The county court or the judge in vacation shall not later than fifty (50) days before the date of the next ensuing election examine the petition and, upon the finding of the court that it contains the required number of legal signatures and conforms in all respects to the provisions of this Act, the court shall enter its order directing that the local option propositions as set forth herein be submitted to the voters of such election unit at the next ensuing election.

After the effective date of this Act, no local option election shall be held in the same election unit more often than once in every forty-seven (47) months.

4. Section 242.040 of the Kentucky Revised Statutes is amended to read as follows:

Within five days after the county court orders an election, the county clerk shall give to the sheriff a certified copy of the order. The sheriff shall have the order published for at least two weeks before the election in a weekly or daily newspaper published in the county, and he shall also adver-

tise the order by posting written or printed handbills at not less than five conspicuous places in each precinct in such election unit for the same length of time. If no daily or weekly paper is published in the county or the proprietor of the newspaper fails to publish the advertisement, the printed or written handbills posted as provided in this section shall be sufficient. The sheriff shall report in writing to the county court that the notices have been published and posted.

5. Section 242.050 of the Kentucky Revised Statutes is amended to read as follows:

When a local option election has been ordered by the county court as herein provided the following propositions except as hereinafter provided shall be plainly printed, in the order herein set forth, upon separate ballots to be used at the next ensuing election.

Provided, however, if such election has been ordered to be held in any election unit wherein, under the provisions of KRS 243.230, the issuance of licenses is not authorized for the sale of distilled spirits and wine by the drink for consumption on the premises, then proposition number 4 relating to such sales shall not printed upon such ballot.

OFFICIAL LOCAL OPTION BALLOT

1. Do you favor the sale at retail in ..... (insert election unit) of malt beverages (beer) by package only and not for consumption on the premises where sold?	Yes	
	No	
2. Do you favor the sale at retail in..... (insert election unit) of malt beverages (beer) by the drink?	Yes	
	No	

3. Do you favor the sale at retail in..... (insert election unit) of distilled spirits, and wine by the package only and not for consumption on the premises where sold?	Yes	
	No	

4. Do you favor the sale at retail in ..... (insert election unit) of distilled spirits and wine by the drink?	Yes	
	No	

Each voter shall designate his vote by placing a cross mark in the square opposite the word "yes" or the word "no" set opposite each of the four propositions. The voter may vote on any or all of the propositions on such ballot.

Whenever, at an election as provided for herein, the election unit contains a precinct or district that is partly within and partly without the limits of such election unit, only those constitutionally qualified voters residing in that portion of the precinct or district lying within the election unit shall receive such proposition ballot, and the clerks of election in that precinct or district shall keep a separate register within which shall be recorded the names and residence addresses of all voters who receive such proposition ballots and cast the same in said election.

6. Section 242.070 of the Kentucky Revised Statutes is amended to read as follows:

Not more than twenty days prior to an election any group of citizens that in good faith favors or opposes the propositions to be submitted may file with the chairman of the County Board of Election Commissioners a petition asking that it be recognized as the committee entitled to certify challengers and witnesses to the count of the ballots and certification

of the results. If more than one group claims the right to certify challengers and witnesses, the county board shall promptly decide and publicly announce which committee is entitled to certify challengers and witness. That decision shall not be final, but any aggrieved party may appeal to the county court and, upon hearing, the county judge shall determine which group shall be recognized.

7. Section 242.080 of the Kentucky Revised Statutes is amended to read as follows:

The committees may sign and issue certificates designating challengers at the polls and witnesses to the count of ballots in the same manner as political committees under the General Election laws.

8. Section 242.190 of the Kentucky Revised Statutes is amended to read as follows:

Where a majority of the legally qualified voters voting at such election shall vote "no" on any one or more of such propositions, no license authorizing the business covered by such proposition or propositions shall be issued and any existing license authorizing any such business shall terminate at the expiration of sixty (60) days from the date of the entry of the certificate of the county board of election commissioners in the order book of the county court.

Where a majority of the legally qualified voters voting at such election shall vote "yes" on any one or more of such propositions licenses authorizing the business covered by such proposition or propositions may be issued subject to the provisions of KRS Chapter 243.

In case of a tie vote on any of the propositions voted upon, the law in such election unit shall remain as it was before the election. Any change in the status of any election unit with respect to the sale at retail of alcoholic beverages resulting from a vote at an election as herein provided shall

become effective at the expiration of sixty (60) days from the date of the entry of the certificate of the county board of election commissioners in the order book of the county court.

9. Section 242.210 of the Kentucky Revised Statutes is amended to read as follows:

In any county wide election held hereunder the vote of such county as a whole shall not control the status of any city therein with respect to whether or not the traffic in alcoholic beverages, or any kind or type thereof, shall be permitted or prohibited in such city but such question shall be determined by the vote cast in such city in that election. If at any such election a majority of the constitutionally qualified voters of a city within such county, voting at such election, shall vote "no" on any one or more of the propositions provided for in KRS 242.050 no license authorizing the business covered by such proposition or propositions shall be issued in such city. If at such election a majority of the constitutionally qualified voters of such city voting at such county wide election shall vote "yes" on any one or more or such propositions, licenses authorizing the business covered by such proposition or propositions may be issued in such city.

10. Section 242.220 of the Kentucky Revised Statutes is amended to read as follows:

Any licensee, whose license has been terminated as the result of an election as herein provided, shall be entitled to a refund from the county or city to which the license fee was paid of that part of the license fee proportionate to the unexpired period of the license.

11. Section 242.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall sell, barter, loan, give, procure for or furnish another, or keep or transport for sale, barter or loan, directly or indirectly, any alcoholic beverage contrary to the provisions of law.

(2) No person shall possess any alcoholic beverage unless it has been lawfully acquired and is intended to be used lawfully, and in any action the defendant shall have the burden of proving that the alcoholic beverage found in his possession was lawfully acquired and was intended for lawful use.

12. Section 242.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, while representing either the buyer or seller, shall distribute, solicit, or receive contracts, proposals or orders for the purchase or sale of any alcoholic beverage, or distribute any poster or any handbills advertising such alcoholic beverage in any election unit while the sale at retail of such alcoholic beverage is prohibited therein.

(2) Each act of distributing, soliciting or receiving such contracts, proposals or orders as denounced in subsection (1), and each day in which such advertising matter is distributed, shall constitute a separate offense.

(3) This chapter shall not prevent any manufacturer of or wholesale dealer in alcoholic beverages, or any authorized agent of either, from making contracts of barrel, case or package lots in any territory where the sale at retail of the product manufactured or handled by him is prohibited by law, if his distilleries, breweries, wineries or warehouses are located in that territory and his products are to be shipped into territory, either within or without the state where alcoholic beverages may lawfully be sold.

13. Section 242.260 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person or public or private carrier to bring into, transfer to another, deliver or distribute any alcoholic beverage in any territory wherein the sale at retail of such alcoholic beverage is prohibited. Each package of such beverage so brought, transferred, or delivered in such territory shall constitute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer or any authorized agent of a distiller, manufacturer, or wholesale dealer from transporting or causing to be transported by a licensed carrier any alcoholic beverage to their distilleries, breweries, wineries or warehouses where the sale of such beverages may be lawful, either in or out of the state.

14. Section 242.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall sell or deliver any alcoholic beverage that is to be paid for on delivery, in any territory wherein the sale at retail of such alcoholic beverage is prohibited.

(2) Such transactions shall be deemed sales at the place where the money is paid or the goods delivered.

15. Section 242.280 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person in a territory wherein the sale at retail of any kind or type of alcoholic beverage is prohibited, to receive or accept any such kind or type of alcoholic beverage from a common carrier or from any person who has transported such beverage in or into such territory for compensation, hire or profit of any kind whatsoever either directly or indirectly. Each and every package of said alcoholic beverage so received or accepted shall consti-

tute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer of alcoholic beverages or any authorized agent of a distiller or manufacturer or wholesale dealer from receiving or accepting any alcoholic beverages which are to be sold in a territory where the sale of such beverages may be lawful either in or out of the state.

16. Section 242.290 of the Kentucky Revised Statutes is amended to read as follows:

KRS 242.260 and 242.280 shall not apply to the transportation of alcoholic beverages through any territory in this state to a point in some other state, or to a point in this state where alcoholic beverages may be lawfully sold; or to the receipt or acceptance by a common carrier from a manufacturer for transportation to a point in another state or to a point in this state where alcoholic beverages may lawfully be sold.

17. Subsection (1) of 242.310 of the Kentucky Revised Statutes is amended to read as follows:

Any person knowingly or intentionally renting or permitting the use of, or using, any premises, or part thereof, or any vehicle for the purpose of unlawfully selling or transporting or possessing alcoholic beverages shall be guilty of a nuisance and of a violation of this chapter.

18. Subsection (1) of Section 242.360 of the Kentucky Revised Statutes is amended to read as follows:

When a peace officer discovers any person in the act of illegally possessing or transporting alcoholic beverages in any vehicle, he shall at once seize the vehicle and any and all alcoholic beverages found in it and arrest any person or persons in charge thereof.

19. Section 242.430 of the Kentucky Revised Statutes is amended to read as follows:

The indictment charging the sale of alcoholic beverage in any territory where the sale of such alcoholic beverage is prohibited by virtue of an election held as provided by this Chapter need not allege that a vote was taken or an election held in the territory where the offense is alleged to have been committed but it may simply allege that the sale charged was committed in territory where such sale is prohibited by law.

20. Section 243.040 of the Kentucky Revised Statutes is amended to read as follows:

The following kinds of malt beverage licenses may be used by the Administrator of the Malt Beverages Unit, the fees for which shall be:

(1)	Brewer's license, per annum	$1,000.00
(2)	Distributor's license, per annum	100.00
(3)	Class A Retail license, per annum	10.00
	Class B Retail license, per annum	25.00
(4)	Dining car license, per annum	25.00
(5)	Transporter's license, per annum	5.00
(6)	Special temporary license, per month or part of month	4.17
(7)	Such other special licenses as the state board finds to be necessary for the administration of KRS Chapters 241, 243, and 244 and for the proper regulation and control of the trafficking in malt beverages, which may be provided for by regulation and adopted by the state board.	

Applicants for special licenses provided for under the authority granted in subsection (7) may be exempt from so much of the provisions of subsection (3) of KRS 243.100 and

subsection (3) of KRS 244.090 as the board by regulation prescribes.

21. Section 243.070 of the Kentucky Revised Statutes is amended to read as follows:

The city legislative body of any city in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only such licenses may be issued as correspond, in their provisions and the business authorized, to the licenses provided for in subsections (1), (2), (3), (5), (6), (7), (15) and (16) of KRS 243.030 and subsections (1), (2), (3) and (6) of KRS 243.040. The fees imposed shall not exceed twice the amount of the fees imposed in KRS 243.030 and 243.040 for such licenses, except that the fee for a malt beverage Class B retail license may be fixed at not exceeding two hundred dollars, the fee for a brewer's license shall not exceed five hundred dollars, and the fee for a distiller's license shall not exceed five hundred dollars.

22. Subsection (2) of Section 243.220 of the Kentucky Revised Statutes is amended to read as follows:

(a) No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises and the entrance to the premises are on the street level and located in a business center or on a main thoroughfare.

(b) Paragraph (a) of this subsection shall not apply to a hotel, club or restaurant which has been bona fide in business as a licensee in premises located above or below the ground floor for at least one year preceding the date on which its application for a license is made. In the class of cases described in this paragraph the administrator to whom the application is made may, in the exercise of his sound discretion, decide whether the premises are to be licensed. Pro-

vided further that the provisions of paragraph (a) of this subsection shall not apply to the issuance of malt beverage Class A retail licenses.

23. Section 243.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Licenses to sell distilled spirits and wine by the drink for consumption on the premises may be issued only for premises located within cities of the first, second or third class, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 or KRS 70.150 to 70.170.

(2) Licenses to sell distilled spirits or wine by the package may be issued only for premises located within incorporated cities, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 or KRS 70.150 to 70.170.

(3) Notwithstanding subsection (2), the board may, after a field investigation, issue a license to sell distilled spirits and wine by the package at premises not located within any city if:

(a) Substantial aggregations of population would otherwise not have reasonable access to a licensed vendor; provided, however, that the population aggregation meets the requirements of a sixth class city as set out in KRS 81.040.

(b) The premises to be licensed under this subsection shall be used exclusively for the sale of distilled spirits and wine by the package and will not be used in any manner, in connection with a dance hall, roadhouse, restaurant, store or any other commercial enterprise, except as a drug store in which a registered pharmacist is employed; and

(c) The part of any premises to be licensed under this subsection which is available to the public shall not, except in the case of a drug store, exceed one hundred square feet of floor space and shall not contain any chairs, benches, stools or similar furniture or fixtures.

(4) No retail package or drink license for the sale of distilled spirits or wine shall be issued for any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline and lubricating oil.

24. Section 243.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) A malt beverage Class A retail license shall be issued only for premises used in the operation or conduct of a bona fide grocery store which is located within an incorporated city or elsewhere in counties containing a city of the first, second, or third class if those counties maintain a police force under the provisions of KRS 70.150 to 70.170 or KRS 70.540 to 70.570. The term "grocery store" means and includes any retail establishment commonly known as a grocery store, general store, or a delicatessen where staple groceries are sold for consumption off the premises.

(2) Malt beverage Class B retail licenses shall be issued only for premises located within an incorporated city or elsewhere in counties containing a city of the first, second or third class if those counties maintain a police force under the provisions of KRS 70.150 to 70.170 or KRS 70.540 to 70.570. Provided, however, that no malt beverage Class B retail license shall be issued for any premises used as or in connection with the operation of a grocery store as herein defined.

(3) Notwithstanding subsections (1) and (2), the board may, after a field investigation, issue licenses for the sale of malt beverages at premises not located within any incorporated city if:

(a) Substantial aggregations of population would otherwise not have reasonable access to a licensed vendor; provided, however, that such population aggregation meets the requirements of a sixth class city as set out in KRS 81.040.

(b) The premises to be licensed are not to be used in any degree or manner in connection with a retail package liquor store, dance hall or any place of business commonly known as a roadhouse.

25. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.281, reading as follows:

A malt beverage Class A retail license shall authorize the licensee to purchase, receive, possess, sell and deliver malt beverages at retail in unbroken packages only and only for consumption off the premises. Such a licensee shall purchase malt beverages in retail packages only and only from a brewer or distributor.

26. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.282, reading as follows:

A malt beverage Class B retail license shall authorize the licensee to sell malt beverages at retail on and from the licensed premises only and to purchase malt beverages only from a brewer or distributor.

27. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.591, reading as follows:

No holder of a distilled spirits and wine retail drink license or malt beverage Class B retail license, or any servant, agent, or employee of the licensee shall do any of the following upon the licenseed premises.

(1) Sell alcoholic beverages to a minor.

(2) Sell alcoholic beverages to any person while such person is in an intoxicated condition.

(3) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon on any day or at any time when such sale or consumption is prohibited by law.

(4) Permit any known prostitute to frequent the licensed premises.

(5) Permit on the licensed premises any disorderly conduct, breach of the peace, or any lewd, immoral, or improper entertainment, conduct or practices.

(6) Sell, offer for sale, possess or permit the consumption on the licensed premises of any kind of alcoholic beverages, the sale or possession of which is not authorized under his license.

28. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.592, reading as follows:

Proceedings for the revocation or suspension of any distilled spirits and wine retail drink license or malt beverage Class B retail license may be filed in the Circuit Court of the county in which the licensed premises are located. Such proceedings shall be entitled in the name of the Commonwealth and against the licensee and shall be instituted by

filing a petition with the clerk of said court. Said petition may be filed by the county attorney of the county upon his own initiative and it shall be mandatory upon said county attorney to file such a petition when requested to do so by a peace officer or any person as hereinafter provided. Any peace officer who learns that any distilled spirits and wine retail drink licensee or malt beverage Class B retail licensee within his jurisdiction has violated any of the provisions of KRS 243.591 shall file with the county attorney of the county in which the licensed premises are located an affidavit specifying in detail the facts alleged to constitute said violation, and requesting that a petition be filed against said licensee for the revocation or suspension of his license. A like affidavit may be filed with the county attorney by any person who resides, and has for at least one year prior thereto resided within two miles of the licensed premises of such a licensee, requesting that a petition be filed for the revocation or suspension of said licensee's license. Promptly upon receiving any such affidavit the county attorney shall prepare a proper petition, which shall be signed and sworn to by the person or persons filing the affidavit with him, and the county attorney shall file the petition with the clerk of the said circuit court.

29. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.593, reading as follows:

Upon a petition being filed with the clerk of the court, the clerk shall immediately issue a summons for the licensee. The summons shall be returnable in the same manner as summons in equity cases. The case shall be set down by the court for as early a day as possible for a hearing, and shall in all respects be expedited in the same manner as a declaratory judgment suit. For the purpose of trial of said proceedings the circuit courts shall be courts of continuous session and hearing thereof may be set by the court in its dis-

cretion at any convenient place in the judicial district. The clerk of the court shall immediately forward to the State Alcoholic Beverage Control Board a copy of the petition and shall upon final adjudication by the court forward to the said Board a copy of the final order or decree of the court.

30. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.594, reading as follows:

The said petition shall be heard by the court without a jury. If the court shall find upon the hearing that the offense or offenses charged in the petition have been established by the evidence, the court shall enter a judgment directing the revocation or suspension of the license. In any such judgment the court may, upon request theretofore made, tax a reasonable fee of not exceeding Fifty ($50.00) Dollars for the benefit of the county attorney as part of the costs of said proceedings to be paid by the defendant. Unless the court finds that the licensee has previously violated the law in the operation of his licensed business or that a license authorizing the sale of alcoholic beverages held by him has previously been suspended or revoked, and if it appears to the satisfaction of the court that there is reasonable ground to expect that the licensee will not again commit the offense or offenses charged in the petition and that to revoke the license would be unduly severe, then the court may suspend the license for such period of time as the court deems proper. Provided, however, that if the licensee has previously had his license suspended or revoked, it shall be mandatory upon the court upon a finding of guilty to revoke the said license. The judgment of the court revoking or suspending such license shall not be superseded or stayed during the pendency of an appeal therefrom. Any party aggrieved by a judgment of the court may appeal to the Court of Appeals in the same time and manner that appeals are taken under Section 639-a-5 of the Civil Code. Provided, that the court which rendered the

judgment may, in its discretion, if the ends of justice so require, at the time the appeal is taken, make an order suspending or modifying the execution of the judgment during the pendency of the appeal, upon such terms as to bond or otherwise as may be proper for the security of the rights of the public. Either party, within twenty (20) days from the entry of such order, may take a transcript of the record to the Court of Appeals and, upon reasonable notice to the other party, move the Court of Appeals, or, if in vacation, any judge thereof, to revise the order of the lower court, and finally determine how far the execution of the judgment shall be suspended or modified pending the appeal. Pending such application to the Court of Appeals or judge thereof, but not longer than twenty (20) days, the status existing immediately before the entry of the judgment appealed from shall be maintained, and the lower court shall so provide in the judgment upon the request of either party.

31. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.595, reading as follows:

After the filing of a petition with the clerk of the court for the revocation or suspension of a license, as hereinbefore provided, the court shall retain jurisdiction to hear and determine such petition and to enter judgment revoking or suspending such license. For the purpose of such hearing and as to the effect of the judgment of the court entered pursuant thereto, the license shall be in full force and effect even though the licensee, after the filing of such petition, may have surrendered his license, or such license may have expired, or the rights of the licensee thereunder may have otherwise terminated. It is the purpose of this section to preclude the licensee from avoiding the effect of a judgment of revocation by a court by reason of conditions arising subsequent to the filing of a petition.

32. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.596, reading as follows:

It shall be the duty of the county attorney to file petitions as herein provided and prosecute diligently and without delay all petitions filed by him. A failure to perform such duty shall be ground for his removal from office under the provisions of KRS 61.170.

It shall be the duty of all peace officers to enforce within their jurisdiction the provisions of KRS 243.591 above and they shall frequently visit all such licensed premises within their jurisdiction to determine whether such licensees are complying with the laws; and shall promptly investigate all complaints made to them by any citizen relative to any alleged violations of KRS 243.591 within their jurisdiction. When any peace officer has knowledge of a violation of KRS 243.591 committed by a licensee within his jurisdiction, it shall be his duty forthwith to file an affidavit with the county attorney as herein provided requesting that a petition be filed for the revocation or suspension of the license of said licensee. The failure of any peace officer to perform the duties imposed upon him herein shall be grounds for his removal from office as provided by KRS 61.170.

33. There shall be added a new section to the Kentucky Revised Statutes to be known as KRS 243.597, reading as follows:

The jurisdiction herein conferred upon the circuit court to hear and determine petitions for the revocation or suspension of licenses shall not be exclusive and any authority conferred on the State Alcoholic Beverage Control Board to revoke or suspend licenses shall remain in full force and effect, and, in addition thereto, the Board shall have the same authority to revoke or suspend licenses for violations of KRS 243.591 that is conferred upon the circuit courts by the provi-

sions of KRS 243.594. Provided, however, that when a petition is filed with the court any proceedings which may then be pending before the said Board against the same licensee on the same charges shall abate but only pending final disposition by the court, and no proceedings for the revocation or suspension of a license for a violation of the provisions of KRS 243.591 shall be filed with the Board when proceedings are pending before the court against the licensee on the same charges. The revocation or suspension of a licensee's state license by the court or by the Board shall automatically revoke or suspend any municipal or county license held by such person. The revocation or suspension of a licensee's license as herein provided shall be in addition to and not in lieu of or limitation of any other penalty imposed by law.

34. Subsection (1) of Section 244.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person holding any license under KRS 243.020 to 243.670 shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:

(a) Has been convicted of a felony or of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors, within the last two years.

(b) Is under the age of twenty (20) years, except in a bottling house or room of a licensed distiller, vintner or brewer or rectifier and except in an office of a wholesaler or manufacturer maintained in a building separate from the warehouses or factory, and except in a grocery store owned and operated by the holder of a malt beverage Class A retail license.

(c) Is not a citizen of the United States or has not had an actual bona fide residence in this Commonwealth for at least one year next before the date of his employment, pro-

vided the above residence requirement shall not apply to persons employed by distillers, brewers, operators of dining cars or transporters engaged in interstate commerce.

(d) Within two years prior to the date of his employment has had any license issued under KRS 243.020 to 243.670 or under any other Act or ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause, or has been convicted of a violation of any of the provisions of Chapter 241, 243 or 244 or of any other such Act or ordinance.

35. Section 244.110 of the Kentucky Revised Statutes is amended to read as follows:

The entrance doors of any premises for which a retail license has been issued shall be of clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises are not on the street level, from the entrance. No partition, box, stall, screen, curtain, or other device shall obstruct the view or the general observation of persons, but partitions, subdivisions or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or dinners or where meals are served. The provisions of this section shall not apply to a grocery store owned and operated by the holder of a malt beverage Class A retail license.

36. Subsection 18 of KRS 241.010, KRS 242.090, 242.130 to 242.180, inclusive, 242.200 and 242.400 are repealed.

Mr. Hall offered the following amendment to said bill, viz.:

Amend H. B. 243. on page 17, section 24, line 28 by adding, after line 28, the following:

" (4) Nothing in this section is intended to prevent the holder of a malt beverage retailer's license issued prior to the time the 1944 amendment to this section took effect from continuing to engage in the business authorized by such license at the time it was issued, at the licensed premises, or from securing a renewal of such license for the same premises, and for the same business, but such a license shall not be transferable nor shall a new license be issued to another person for the same premises unless such premises are licensable under the other provisions of this section."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Hall and Swope, were as follows, viz.:

Those who voted in the affirmative were—

W. G. Biggers	Lee Johnson	George T. Smith
Willis Champion	Paul S. Jonas	Geo. W. Steinford
Chas. B. Gentry	Chester Peterson	S. J. Wagner
J. D. Gross	James T. Philpott	R. E. West
R. M. Hall	James E. Quill	
Benton Howard	Carl Scheben	16

Those who voted in the negative were—

Chas. W. Anderson	Fred Carpenter	Bernie S. Edlin
Henry Arrowood	A. Roy Copeland	Harry W. Ennis
F. H. Bassett, Jr.	Marvin Cornett	Dr. J. C. Gabbard
Isaac Blevins	John Henry Cox	Jas. P. Hallahan
Douglas T. Bolling	John P. Craig	Claude Hammons
J. C. Bradley	Fred Creasey	B. C. Holbrook
Jno. W. Burkhart	Thos. S. Dawson	W. N. Hughes
Chas. W. Burnley	J. R. Dorman	W. H. Hunt
C. D. Call	T. H. Dyer	Wm. E. Justice

H. Clay Kauffman	W. B. Moser	Vernon Seaton
M. Kavanaugh	C. Sid Nabb	Faust Y. Simpson
G. M. Knuckles	Coy C. Nevitt	Robt. J. Spaulding
J. T. Linton	Jno. C. Newcomb	Arthur Stallard
Homer E. Losey	Joe E. Nunn	Joe Stewart
Pearl McKinney	J. Gip Prather	C. W. Taylor
Ed Marcum	L. W. Preston	Egbert V. Taylor
Johnston Miller	Wade H. Riley	H. Thieman, Jr.
Harry L. Moore	H. G. Royalty	Otis C. Thomas
Herbert V. Moore	Amos Runyon	E. B. Thompson
J. Lee Moore	F. W. Schuhmann	Taylor Witt

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Mr. Simpson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Rhoads moved that said bill be laid on the table.

Mr. Swope moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Swope and Hall, were as follows, viz.:

Those who voted in the negative were—

Chas. W. Anderson	Willis Champion	Harry W. Ennis
Henry Arrowood	Marvin Cornett	Dr. J. C. Gabbard
F. H. Bassett, Jr.	John Henry Cox	Franklin Goins
W. G. Biggers	John P. Craig	Jas. P. Hallahan
Isaac Blevins	Fred Creasey	Claude Hammons
Douglas T. Bolling	Thos. S. Dawson	B. C. Holbrook
Chas. W. Burnley	J. R. Dorman	Benton Howard
Fred Carpenter	Bernie S. Edlin	Jerry F. Howell

J. J. Huff	W. B. Moser	Jno. W. Simmons
W. N. Hughes	C. Sid Nabb	Faust Y. Simpson
W. H. Hunt	Coy C. Nevitt	George T. Smith
Lee Johnson	Jno. C. Newcomb	Robt. J. Spaulding
Paul S. Jonas	Joe E. Nunn	E. A. Spencer
Wm. E. Justice	Chester Peterson	Arthur Stallard
H. Clay Kauffman	Albert W. Pfeiffer	Geo. W. Steinford
M. Kavanaugh	Sylvester Phillips	Joe Stewart
G. M. Knuckles	James T. Philpott	Thos. M. Swope
J. T. Linton	L. W. Preston	C. W. Taylor
Homer E. Losey	Kleber F. Price	Egbert V. Taylor
A. L. Love	Edw. P. Prichard	Roy L. Taylor
Pearl McKinney	James E. Quill	H. Thieman, Jr.
Ed Marcum	L. Allen Rhoads	Otis C. Thomas
C. C. May	Wade H. Riley	E. B. Thompson
Johnston Miller	Amos Runyon	John L. Trumbo
Harry L. Moore	Carl Scheben	R. E. West
Herbert V. Moore	F. W. Schuhmann	Taylor Witt
J. Lee Moore	Vernon Seaton	
L. D. Moore	Leon J. Shaikun	82

The motion to table as made by Mr. Rhoads was then disagreed to.

The yeas and nays being required thereon by Messrs. Rhoads and Losey, were as follows, viz.:

Thos who voted in the affirmative were—

Chas. B. Gentry	H. C. Patterson	Jno. W. Simmons
J. T. Linton	Kleber F. Price	E. A. Spencer
Homer E. Losey	C. R. Reeves	Thos. M. Swope
Pearl McKinney	L. Allen Rhoads	11

Those who voted in the negative were—

Chas. W. Anderson	W. G. Biggers	Chas. W. Burnley
Henry Arrowood	Isaac Blevins	Fred Carpenter
F. H. Bassett, Jr.	Douglas T. Bolling	Willis Champion

Jno. H. Clarke, Jr.	Wm. E. Justice	Wade H. Riley
A. Roy Copeland	H. Clay Kauffman	Carl Scheben
Marvin Cornett	M. Kavanaugh	F. W. Schuhmann
John Henry Cox	G. M. Knuckles	Vernon Seaton
John P. Craig	A. L. Love	Leon J. Shaikun
Fred Creasey	Ed Marcum	Faust Y. Simpson
Thos. S. Dawson	Johnston Miller	George T. Smith
J. R. Dorman	Harry L. Moore	Robt. J. Spaulding
Bernie S. Edlin	Herbert V. Moore	Arthur Stallard
Harry W. Ennis	J. Lee Moore	Geo. W. Steinford
Dr. J. C. Gabbard	L. D. Moore	Joe Stewart
Franklin Goins	W. B. Moser	C. W. Taylor
Jas. P. Hallahan	C. Sid Nabb	Egbert V. Taylor
Claude Hammons	Coy C. Nevitt	H. Thieman, Jr.
B. C. Holbrook	Jno. C. Newcomb	Otis C. Thomas
Benton Howard	Joe E. Nunn	E. B. Thompson
Clyde S. Howard	Chester Peterson	S. J. Wagner
Jerry F. Howell	Albert W. Pfeiffer	Harry F. Walters
W. N. Hughes	James T. Philpott	R. E. West
W. H. Hunt	L. W. Preston	Taylor Witt
Lee Johnson	Edw. P. Prichard	
Paul S. Jonas	James E. Quill	73

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Douglas T. Bolling	Jno. H. Clarke, Jr.
Henry Arrowood	Chas. W. Burnley	John Henry Cox
F. H. Bassett, Jr.	C. D. Call	John P. Craig
W. G. Biggers	Fred Carpenter	Fred Creasey
Isaac Blevins	Willis Champion	Thos. S. Dawson

Adron Doran	Johnston Miller	Vernon Seaton
J. R. Dorman	Harry L. Moore	Leon J. Shaikun
Harry W. Ennis	Herbert V. Moore	Faust Y. Simpson
Franklin Goins	J. Lee Moore	George T. Smith
Jas. P. Hallahan	W. B. Moser	Robt. J. Spaulding
Claude Hammons	C. Sid Nabb	Geo. W. Steinford
B. C. Holbrook	Jno. C. Newcomb	Joe Stewart
Clyde S. Howard	Joe E. Nunn	C. W. Taylor
Jerry F. Howell	Chester Peterson	Egbert V. Taylor
W. N. Hughes	Albert W. Pfeiffer	Roy L. Taylor
Lee Johnson	James T. Philpott	H. Thieman, Jr.
Paul S. Jonas	L. W. Preston	Otis C. Thomas
Wm. E. Justice	Edw. P. Prichard	S. J. Wagner
H. Clay Kauffman	James E. Quill	Harry F. Walters
M. Kavanaugh	C. R. Reeves	R. E. West
G. M. Knuckles	Wade H. Riley	Taylor Witt
A. L. Love	Carl Scheben	Speaker Harry Lee Waterfield
Ed Marcum	F. W. Schuhmann	

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Those who voted in the negative were—

A. Roy Copeland	J. J. Huff	H. C. Patterson
Marvin Cornett	W. H. Hunt	J. Gip Prather
T. H. Dyer	J. T. Linton	Kleber F. Price
Dr. J. C. Gabbard	Homer E. Losey	L. Allen Rhoads
Chas. B. Gentry	Pearl McKinney	Jno. W. Simmons
J. D. Gross	C. C. May	Arthur Stallard
R. M. Hall	L. D. Moore	Thos. M. Swope
Benton Howard	Coy C. Nevitt	John L. Trumbo

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Resolved that the title thereof be as aforesaid.

Mr. Simpson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

S. B. 21. An Act amending Section 42.140 relating to state employees.

S. B. 40. An Act authorizing appointment of a nominee of banking institutions acting in a fiduciary capacity.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

The hour of 3:30 P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz.:

H. B. 279. An Act to require burial associations to pay benefits in money or service.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be unlawful for any burial association or any association engaged in the business of issuing contracts, policies or agreements of burial insurance of any kind or character whatsoever or any contracts of a similar nature to issue or cause to be issued any agreement, policy, contract, bond, assurance or guarantee or to have any by-laws which shall provide for the payment of any funeral or burial benefits in merchandise or services, but all payments or benefits thereunder must be made in money.

Any person, firm, corporation, partnership or undertaking concern, duly and regularly licensed to engage in the undertaking business in the Commonwealth of Kentucky who may desire to perform the provisions of any agreement, policy, contract, bond, assurance or guarantee issued by any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky shall file with the Commissioner of Insurance of the Commonwealth of Kentucky a bond in an amount that is reasonable to be fixed by the Commissioner of Insurance of the Commonwealth of Kentucky, which bond shall be conditioned upon the faithful performance of the agreement, policy, contract, bond, assurance or guarantee issued by any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky to its members as approved by the Commissioner of Insurance of the Commonwealth of Kentucky.

The Commissioner of Insurance shall adopt appropriate forms for the filing of the bond provided for herein and shall, upon request, furnish said forms to any person, firm, corporation, partnership or undertaking concern, duly and regularly licensed to engage in the undertaking business in the Commonwealth of Kentucky, who may desire to qualify under the terms of this Act.

From and after the effective date of this Act it shall be unlawful for any agreement, policy, contract, bond, assurance, or guarantee or bylaw of any burial association or association of a similar nature to provide for the payment of benefits or proceeds of any such agreement, policy, contract, bond, assurance or guarantee, or any part thereof, to any designated or particular undertaker or undertaking concern or to any particular or designated tradesman or business man or to any undertaker, undertaking concern, tradesman or business man out of any particular or designated group of undertakers, undertaking concerns, tradesmen or business men; but any undertaker or undertaking concern authorized to do business

in this State and who qualifies under the terms of this Act may upon request of the personal representative or family of a deceased member, or any other person having charge of the funeral of any deceased member, perform the provisions of the agreement, policy, contract, bond, assurance or guarantee and upon such performance shall be entitled to receive the benefits and proceeds provided for therein.

No agreement, policy, contract, bond, assurance or guarantee of any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky shall be transferable or assignable nor shall the benefits or any part thereof be transferable or assignable.

It is hereby declared to be the public policy of the Commonwealth of Kentucky that the designation of particular undertakers or undertaking concerns or groups of particular undertakers or undertaking concerns by contract of burial insurance constitutes unreasonable restraint of trade between undertakers and is contrary to the public policy of the Commonwealth.

The provisions of this Act shall not be applicable to any agreement, policy, contract, bond, assurance or guarantee in existence at the time of the effective date of this Act.

The provisions of this Act are severable and if any of its provisions shall be held unconstitutional the decisions of the courts shall not affect or impair any of the remaining provisions of this Act. It is hereby declared as the legislative intent that this Act would have been adopted had not such unconstitutional provisions been included therein.

All laws or parts of laws in conflict with this Act are hereby repealed.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Thos who voted in the affirmative were—

Chas. W. Anderson	R. M. Hall	L. D. Moore
Henry Arrowood	Jas. P. Hallahan	W. B. Moser
F. H. Bassett, Jr.	Claude Hammons	C. Sid Nabb
W. G. Biggers	B. C. Holbrook	Coy C. Nevitt
Isaac Blevins	Benton Howard	Jno. C. Newcomb
Douglas T. Bolling	Clyde S. Howard	Joe E. Nunn
J. C. Bradley	Jerry F. Howell	H. C. Patterson
Jno. W. Burkhart	J. J. Huff	Albert W. Pfeiffer
C. D. Call	W. N. Hughes	Sylvester Phillips
Fred Carpenter	W. H. Hunt	James T. Philpott
Willis Champion	Lee Johnson	J. Gip Prather
Jno. H. Clarke, Jr.	Wm. E. Justice	L. W. Preston
Marvin Cornett	H. Clay Kauffman	Kleber F. Price
John Henry Cox	M. Kavanaugh	Edw. P. Prichard
John P. Craig	G. M. Knuckles	C. R. Reeves
Fred Creasey	J. T. Linton	L. Allen Rhoads
Thos. S. Dawson	Homer E. Losey	Wade H. Riley
Adron Doran	A. L. Love	H. G. Royalty
J. R. Dorman	Pearl McKinney	Amos Runyon
T. H. Dyer	Ed Marcum	F. W. Schuhmann
Bernie S. Edlin	C. C. May	Vernon Seaton
Harry W. Ennis	Johnston Miller	Leon J. Shaikun
Dr. J. C. Gabbard	Harry L. Moore	Jno. W. Simmons
Chas. B. Gentry	Herbert V. Moore	Faust Y. Simpson
Franklin Goins	J. Lee Moore	George T. Smith

Robt. J. Spaulding	C. W. Taylor	John L. Trumbo
E. A. Spencer	Egbert V. Taylor	Harry F. Walters
Arthur Stallard	H. Thieman, Jr.	R. E. West
Joe Stewart	Otis C. Thomas	Taylor Witt
Thos. M. Swope	E. B. Thompson	89

Those who voted in the negative were—

Chas. W. Burnley	James E. Quill	Roy L. Taylor
A. Roy Copeland	Carl Scheben	S. J. Wagner
Paul S. Jonas	Geo. W. Steinford	8

Resolved that the title thereof be as aforesaid.

Mr. J. Lee Moore moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Without objection, the following bills and resolutions were introduced, viz.:

By Mr. Knuckles.

H. B. 331. An Act creating Kentucky Economic Council, defining powers, etc.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created the Kentucky Economic Council, to consist of twelve members, six of whom shall be the Governor (or some person designated by him to act for him), the person holding the position of director of the State Department of Conservation, the person holding the position of State Highway Commissioner, the person holding the

position of Commissioner of Health of Kentucky, the person holding the position of director of the Agricultural Experiment Station of the University of Kentucky, and the Dean of the College of Engineering of the University of Kentucky; and six of whom shall be citizens of the State, appointed by the Governor, and representative of the varied interests of the State. Of such six, not more than three shall be members of one political party. Two of such six shall be appointed for terms of one year each, two shall be appointed for terms of two years each, and two shall be appointed for terms of three years each; and upon the expiration of their respective terms their successors shall be appointed by the Governor for terms of three years each. The Council shall organize by selecting from its membership a chairman, a vice-chairman, a secretary and such committees as the Council shall deem necessary, and shall provide rules for transacting its business and keeping records thereof. Members of the Council shall receive no compensation.

§ 2. It shall be the duty of the Council to make a thorough study and investigation of the natural resources of the State and of the problems of agriculture, industry, population, and allied matters. The Council shall formulate plans and make recommendations for the further development of the State's resources which will be helpful to agriculture, labor, mining, manufacturing, industry, the transportation of persons and goods, the conservation of forests, soil, stream flow, parks and parkways, game preserves and other resources and activities in the State, and for adequate provision for the future population of the State.

§ 3. The Council shall have power to accept, allocate and disburse funds from private sources, municipal and other political subdivisions, and Federal sources, that may become available for use in carrying out the provisions of this Act. Any portion of these funds unexpended during the fiscal year

shall be placed in a revolving fund for the future use of the Council.

§ 4. The Council shall have power to utilize any department or agency of the State Government in connection with any of its studies and in the preparation of such plans, and to employ such experts and assistants as it may deem necessary for carrying out the provisions of this Act.

§ 5. The Council shall from time to time report its plans, recommendations, and findings to the Governor and to the General Assembly.

§ 6. There is hereby appropriated from the General Fund of the State, for a period beginning with the passage of this Act and ending July 1, 1946, the sum of $25,000, which sum shall be set aside in a separate fund and designated as the "Kentucky Economic Council Fund." Of this amount $5,000 shall be made available to said Council immediately upon the passage of this Act, for administration of this Act for the unexpired portion of the fiscal period ending June 30, 1944. Moneys in said fund shall be used solely for administration of this Act and disbursements from the fund shall be made only on order of the Council or of the Executive Committee of the Council, the creation of which by resolution of the Council is hereby authorized. Said committee shall consist of not less than five members.

§ 7. WHEREAS, there is an urgent need for the immediate survey and development of the natural resources of this State, to aid in the War Effort, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Burnley.

H. B. 332. An Act relating to members of the General Assembly.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No member of the General Assembly shall be appointed to nor shall he accept any other state office or employment during the term for which he was elected to the General Assembly.

§ 2. Any person violating the provisions of this Act shall be fined not less than five hundred nor more than one thousand dollars, and upon conviction any state office he may hold shall be declared vacant.

§ 3. Whereas, it is necessary that the members of the General Assembly devote their full time and attention to the office to which they were elected by the voters of their respective districts, an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

By Mr. Shaikun.

H. B. 333. An Act to revise KRS relating to deputy sheriff.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 70.030, Kentucky Revised Statutes, 1942 (First Edition) be repealed, amended and reenacted, so that when reenacted said Section shall read as follows:

(1) Except as provided in subsections (2) and (3), the sheriff may, with the approval of the county court, appoint his own deputies, and may revoke the appointment at his

pleasure. Before any deputy executes the duties of his office he shall take the oath required to be taken by the sheriff.

(2) The sheriff of each county having an assessed value of more than $100,000,000, containing a population of less than 75,000, comprising a separate judicial district, and containing a second class city may appoint such deputies and clerical assistants, subject to the approval of the fiscal court, as are necessary for the proper performance of the duties of his office. The sheriff with the approval of the fiscal court shall fix the salaries of the deputies and clerical assistants, but the salaries of all the deputies and clerical assistants shall not exceed $20,000 in any year. The fiscal court shall pay the annual salaries of the deputies and clerical assistants in monthly installments out of the county treasury.

(3) In each county containing a population of 75,000 or over, the number of deputies allowed to the sheriff and the compensation allowed to each deputy, shall be fixed by an order entered upon the order book of the circuit court and county court, and signed by a majority of the judges of said courts. A certified copy of the order, and of any subsequent changes therein, shall, as soon as entered, be forwarded to the Department of Finance. In counties containing a population of 75,000 or over and up to 200,000, the salary of the chief deputy sheriff shall be fixed at a reasonable amount not exceeding $2,500 per annum, and the salary of each other deputy sheriff shall be fixed at a reasonable amount not exceeding $2,000 per annum. In counties having a population of 200,000 or more, the salary of the chief deputy sheriff shall be fixed at a reasonable amount not exceeding $3,000 per annum, the salary of one deputy sheriff, who shall act as process clerk, shall be fixed at a reasonable amount not to exceed $2,500 per annum, and the salary of each of the other deputy sheriffs shall be fixed at a reasonable amount not exceeding $2,250 per annum.

By Mr. Doran.

H. B. 334. An Act relating to drainage districts.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 268.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) The sheriff of each county of the district shall receive the collector's drainage assessment book each year. He shall promptly and faithfully demand and collect the assessments at the same time that he demands and collects the state and county taxes due on the same property. If any property has been divided or transferred, the sheriff shall receive payment of assessments on any part charged with the assessments and give his receipt accordingly, and show therein upon what part of the property the assessment has been paid. The collector's drainage assessment book shall be the warrant and authority of the sheriff for making demand and collection of drainage assessments. The fee of the sheriff for collecting drainage assessments shall be four per cent, which shall be added to the regular assessment. The sheriff shall return all collector's drainage assessment books each year to the secretary of the board, and shall pay over and account to the treasurer of the district for all money collected thereon each year at the same time he pays over state and county taxes.

(2) If the assessment has not been paid to the sheriff or collector on any parcel of land or property described in the assessment register certified to him during the year for which said assessment was levied on or before the last day of February of the year immediately following the year for which said assessment was levied and became due, a penalty, of six per centum (6%) shall automatically attach thereto on and

after said date, which shall be added to the assessment against such parcel or parcels of land on which the assessment has not been paid, to be collected in the same manner that the assessment is collected; and unless so paid the sheriff or collector shall advertise and offer for sale the assessment lien claim of said district in the same manner as state and county tax claims are required to be sold, which sale shall be for the assessments, penalties, costs and expenses of making sale in the same manner and with the same force and effect as sales of tax claims for state and county taxes, and subject to redemption by the owner within the time, on the terms, upon the penalties and upon the same conditions that are now and may hereafter be provided by general law for the redemption of land or other property sold by the sheriff for state or county taxes.

(3) When an assessment lien claim is sold for the assessment herein provided for, if no one will bid for and purchase and pay for such claim so offered for sale, the amount of the assessment, penalty, interest and costs, including the costs for advertising such sale, it shall be the duty of the sheriff making such sale to purchase same for the board of drainage commissioners to which such assessment is due and owing, and he shall make report of such fact to the clerk of the county court of the county in which land or property is located, as required by law under sales to the state and county for state and county taxes. He shall also certify such facts in like manner to the secretary of the board of drainage commissioners, which report shall be received and kept by the secretary of such board and recorded by him in the general drainage record book kept by him.

(4) The purchaser of any such lands pursuant to a proceeding in enforcement of said assessment lien claim shall take said property subject to the future assessments to be levied against said property for making the improvement,

including all such assessments becoming delinquent after the sale of the assessment lien claim thus enforced. The purchaser of such assessment lien claims shall have the same estate, right, title, and interest in the delinquent property that purchasers of certificates of delinquency acquire at sales of tax claims for state and county taxes, subject alone to the provisions of this section.

By Mr. Quill.

H. B. 335. An Act relating to adoption of school text books.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 156.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Textbook Commission shall, not later than March 1 in any adoption year, select and publish a list of ten books in each subject, taking into account the needs of the various types of school organizations. One of the books for each subject and grade so listed shall be the one on the uniform list for county school districts as provided in KRS 156.320. Not more than two books for any subject and grade shall be from the same person. If less than ten books in any subject and grade of sufficient merit to warrant their being listed are submitted, the commission may list fewer than ten, but in that event it shall not list more than one book for the same subject and grade from the same person. The list as soon as prepared shall be sent to the chief administrative officer of the various school units of the state.

(2) The board of education of each independent school unit embracing a city of the first, second, third or fourth class,

or of an independent school district having the population of or in excess of the population of a fourth class city, shall, upon the recommendation of its superintendent, and not later than May 1 of any adoption year, select from the list one book for each subject and grade to be used as a basal text in its school system for a period of five years, except that the board may, upon the recommendation of its superintendent and by a majority vote of the entire board, adopt a basal text or the complete series of basal texts from the uniform list adopted for use in county school districts, as provided in KRS 156.320.

(3) The list of books prepared by the State Textbook Commission shall remain unchanged for a period of five years, and not more than 33 1/3% of the list of books currently in use shall be changed at any one adoption period. The adoption periods shall commence in 1930.

§ 2. Section 156.320 of the Kentucky Revised Statutes is amended to read as follows:

The State Textbook Commission shall, not later than March 1 in any adoption year, adopt a uniform series of system of basal textbooks for use in the public schools of the county schools districts and of those independent school districts not coming within the provisions of KRS 156.310. The commission shall cause the list to be printed and send the list to the administrative officer of each school unit of the state. In making the adoption of basal textbooks, the commission shall designate the subject and grade for which the adopted book is intended, and not more than one book shall be adopted for use in any one subject and grade. The adoption shall be made for a period of five years, beginning with 1930. A county board of education of a county maintaining a school term of at least nine months, upon the recommendation of its superintendent and a majority vote of the entire board, may select basal textbooks to be used in the county school district

from the list adopted and approved for city school districts under KRS 156.310.

§ 3. Section 156.330 of the Kentucky Revised Statutes is amended to read as follows:

No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and adopted by the State Textbook Commission, or approved by the State Textbook Commission and adopted by the board of education having jurisdiction over the school district, in the manner provided in KRS 156.260 to 156.320. A change of a textbook made by the State Textbook Commission or by the board of education of an independent school district of any of the classes described in subsection (2) of KRS 156.310 shall not become effective until grades or classes of respective school districts of counties or cities have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

§ 4. Whereas, adoption of textbooks for the next adoption period must be made before May 1, 1944, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Philpot.

H. B. 336. An Act relating to public ways or streets in cities of the fifth class.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When a public way of a city of the fifth or sixth class has been dedicated to public use and so used for as long

as fifteen years, the grade upon any such public way shall remain as established and shall not be changed.

§ 2. The city shall be civilly liable for punitive damages to any owner of abutting property damaged by a change of grade in violation of section one of this Act.

By Mr. Hammons.

H. Res. 37. Resolution for the benefit of employees of the Senate and House.

Said resolution is as follows, viz.:

Resolution for the benefit of officers and employees of the Senate and House of Representatives; and declaring an emergency.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated from the Legislative Session Fund an additional compensation for the following employees and officers of the Senate and House of Representatives, viz.: Assistant Clerks, Enrolling Clerks, Sergeant-at-Arms, Doorkeepers, Cloakroom Keepers, Janitors and Pages, to that compensation provided in KRS 6.230, the sum of $9,072.00.

Section 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall draw a warrant for the sum of $3,960.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute such additional compensation on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1944, the rate per day to be computed by said Chief Clerk and the

Committee on Committees of the Senate on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall draw a warrant for the sum of $5,112.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employees and officers of the House of Representatives such additional compensation on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in 1944. The rate per day to be computed by the said Chief Clerk and the presiding officer of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

All Acts or parts of Act in conflict herewith to the extent of such conflict are hereby repealed.

Whereas, the General Assembly will within a short time adjourn and the employees and officers will depart for various sections of the State, an emergency is hereby declared to exist, and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

By Mr. Miller.

H. Res. 38. Resolution authorizing Earl Dacon, A. P. Weller, John Shaw etc. to sue the Commonwealth.

Said resolution is as follows, viz.:

WHEREAS the estate of Isaac Bernheim has purchased about 15,000 acres of mountainous land located partly in Bullitt County and partly in Nelson County, in this Common-

wealth, and said land is held by said estate for the Commonwealth of Kentucky and is known as the Bernheim Foundation for the rearing and protection of wild animals and wild turkeys of all kind, and the Commonwealth has, through its Fish and Game Commission, placed on said land large numbers of deer and same have been prolific and increased to a very large number, and are not confined on the above said land, but are permited to run in large droves over land adjoining and surrounding this 15,000 acres and destroy the crops of the farmers in the surrounding country, and said deer are by statute protected from being killed or chased by dogs, and

WHEREAS, Earl Dacon, A. P. Weller, John Shaw, and T. J. Thornton are farmers in the surrounding territory of the above said 15,000 acres of land and were such farmers during the years 1939, 1940, 1941, 1942 and 1943, and during said years the deer as above said have gone upon the land cultivated by Earl Dacon and destroyed his crops and damaged him in the sum of $2,657.25 and have gone upon the land cultivated by A. P. Weller during said years and destroyed his crops and damaged him in the sum of $195.00, and have gone upon the lands of John Shaw which were cultivated by him and destroyed his crops and damaged him in the sum of $737.50, and have gone upon the lands cultivated by T. J. Thornton and destroyed his crops and damaged him in the sum of $1,135.00.

NOW, THEREFORE, in order that Earl Dacon, A. P. Weller, John Shaw, and T. J. Thornton and each of them may have their "Day in Court" to determine by judicial action the extent of damages, if any, sustained by them, and the liability therefor.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Earl Dacon, A. P. Weller, John Shaw and T. J. Thornton are authorized to sue the Commonwealth of Kentucky in the Bullitt Circuit Court to determine the liability of the Commonwealth of Kentucky for damages sustained by them from deer from the Bernheim Foundation game preserve.

The Attorney General of the Commonwealth of Kentucky may investigate the claims against the Commonwealth herein and settle said claims before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolutions and bills be referred and printed.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 18, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Herman J. Womeldorf of the Southern Presbyterian Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding

E. A. Spencer	Egbert V. Taylor	S. J. Wagner
Arthur Stallard	Roy L. Taylor	Harry F. Walters
Geo. W. Steinford	H. Thieman, Jr.	R. E. West
Joe Stewart	Otis C. Thomas	Taylor Witt
Thos. M. Swope	E. B. Thompson	Speaker Harry
C. W. Taylor	John L. Trumbo	Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Egbert V. Taylor moved that a bill entitled:

H. B. 35. An Act appropriating monies for the operation and maintenance of the State government for the fiscal years ending June 30, 1945 and June 30, 1946

With Committee amendments thereto.

Which was made a Special Order for today at 10:00 A.M.

Be taken up as the first Order of Business when the hour for the Order of Business arrives.

Said motion was agreed to.

Mr. Quill moved that a bill entitled:

H. B. 241. An Act establishing Legislative Research Committee, etc.

With an amendment thereto by way of Substitute therefor, as adopted by the House,

Be taken from the Clerk's Desk and recommitted

To the Committee on Ways and Means, with instructions.

Said motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House, as follows, viz.:

H. B. 331. Ways & Means

H. B. 332. Ways & Means

H. B. 333. Kentucky Statutes

H. B. 334. Public Ditches

H. B. 335. Education No. 1

H. B. 336. Cities 5th & 6th Classes (jointly)

H. R. 37. Ways & Means

S. B. 27. Fish & Game

Mr. Quill moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

The Standing Committees of the House to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Simmons of the Committee on Library and Historical Records.

H. B. 317. An Act relating to public libraries.

By Mr. Call of the Committee on Compensation for Industrial Relations.

H. B. 319. An Act to repeal and re-enact Sections 341.510 and 341.530 KRS, relating to Unemployment Compensation.

With Committee amendments thereto.

By Mr. Howard of the Committee on Suffrage and Elections.

H. B. 329. An Act relating to the expenses of elections.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 332. An Act relating to members of the General Assembly.

By Mr. Steinford of the Committee on Juvenile Courts and Children's Homes.

H. Res. 32. A resolution establishing a Youth Guidance Commission.

By Mr. May of the Committee on Criminal Law.

H. B. 281. An Act amending and re-enacting Sec. 431.240 KRS relating to condemned criminals.

By Mr. Peterson of the Committee on Military Affairs.

S. B. 85. An Act relating to the probate of wills and other members of the armed forces of the United States.

By Mr. Jonas of the Committee on Immigration and Labor.

H. B. 165. An Act relating to minimum fair wages for women and minors.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were each and severally read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 167. An Act relating to state appropriations for county roads.

H. B. 306. An Act relating to publication of financial statements of governmental units.

H. B. 262. An Act relating to airports in counties containing a city of the first class.

H. B. 314. An Act to regulate, control, fix standard weights of wheat flour.

H. B. 301. An Act to require enrichment of bread and flour by the addition of certain vitamins.

H. B. 239. An Act relating to the marketing of livestock.

H. Res. 11. Resolution authorizing S. S. Oldfield of Index, to sue the Commonwealth.

H. Res. 38. Resolution authorizing Earl Dacon, A. P. Weller, John Shaw and T. J. Thornton to sue the Commonwealth.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed

with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 88. An Act relating to when motor vehicles may be purchased out of state funds, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 44.050 of the Kentucky Revised Statutes is amended to read as follows:

Motor vehicles, when may be purchased out of state funds. (1) No state officer or member of a board of commission created by the laws of this State shall purchase or contract to purchase any motor passenger vehicle on behalf of or on account of the State, or for the use of any State officer or any member, agent or employee of any board of commission created by the laws of this State, or for the use of any person engaged in performing services for this State, except vehicles necessary for the use of the Governor, the Lieutenant Governor when acting as Governor, the Department of Highways and its employees, and the head and the inspectors of the Department of Mines and Minerals, and the Adjutant General of the Department of Military Affairs, nor shall any payments be made for the purchase of such vehicles, except those permitted by this section, out of state funds or money paid into the State Treasury.

(2) No person except the Governor, the Lieutenant Governor, the Department of Highways and its employees,

and the head and inspectors of the Department of Mines and Minerals, and the Adjutant General of the Department of Military Affairs, shall use or operate any passenger motor vehicle owned by the State.

(3) The Department of Military Affairs is hereby authorized to purchase from state funds, motor trucks to be used in the carrying out of the functions of this department and it is further provided that the Department of Military Affairs may acquire motor vehicles by gift or transfer from the Federal Government for use in said department.

Now, therefore, an emergency hereby is declared by the General Assembly to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

S. B. 97. An Act amending Section 422.090 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that:

Section 422.090, Kentucky Revised Statutes, be amended by repealing said Section and re-enacting it so that as re-enacted, it shall read as follows, to-wit:

(1) All discharge papers, given, executed or delivered to any person in the military or naval service of the United States, which evidence his discharge from the service of the United States and show the unit or part of the department to which he was attached and from which he was discharged may be recorded in the office of the county clerk of the county in which the person discharged is a resident. Upon the presentation of such discharge papers the county clerk shall record them, without charge therefor, in a suitable book which he shall provide for that purpose.

(2) A certified or attested copy of such recorded discharge is admissible evidence in all proceedings in which such discharge may come in question or in which it might be used as legal evidence of any fact.

(3) It shall be the duty of each county court clerk to index alphabetically the name of each person whose discharge papers are recorded as provided in this Act and to keep such index as a permanent record in such office. The index may be bound with the book in which the discharge papers are recorded, or may be a separate bound index, to be kept with the book in which the discharge papers are recorded.

Ordered that said bills be referred and printed.

And that they had passed bills which originated in this House, entitled:

H. B. 20. An Act requiring all employers to state specifically the amount and the purpose of any deductions from employes' salaries or wages.

H. B. 29. An Act relating to the employment by the state government of persons who have served or shall hereafter serve in the Armed Forces of the United States.

H. B. 86. An Act enabling fiscal courts of counties containing cities of the first class, to purchase policies of insurance, of all kinds, on motor vehicles, etc.

H. B. 93. An Act to revise certain salaries of deputy county clerks in counties with a population in excess of 90,000 and to amend Sec. 28.300 KRS.

H. B. 135. An Act to amend KRS 56.190.

H. B. 148. An Act relating to teachers' tenure.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a bill entitled:

With Committee amendments thereto.

Said bill is as follows, viz.:

H. B. 35. An Act appropriating money for the operation, maintenance, support and functioning of the State Govment of the Commonwealth of Kentucky, including each of the various officers, departments, boards, commissions, institutions, and sub-divisions of the State Government, and the purchase of record books as provided by Section 28.130 of the Kentucky Revised Statutes of 1942, judiciary and courts costs, Confederate pensions, the Frankfort Cemetery, Jefferson, Kenton and Harlan County fees, and for defraying the expenses of all other State obligations for (a) the fiscal years ending June 30, 1945, and June 30, 1946 (b) the fiscal years of the Department of Highways ending March 31, 1945, and March 31, 1946; designating the sources and funds from which said appropriations are made, and providing for the establishment of certain revolving funds specifically mentioned; providing for money refunds; authorizing and empowering the Commissioner of Finance with the approval of the Governor to limit, restrict, and supervise expenditures of all money appropriated herein and hereafter by the General Assembly in the Regular Session of 1944, and to reduce or adjust each of the appropriations in the manner herein provided; providing for certain appropriations to be limited to specific purposes, and barring the use of appropriations for certain purposes, repealing all blanket and continuing appropriations not provided for in this Act and appropriations made by any previous Act or Acts of the General Assembly of the Commonwealth of Kentucky, and repealing all laws or parts of laws in conflict with any of the provisions of this Act; enacting each section and each subsection as a separate or specific appropriation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1944, and ending June 30, 1945, and for the fiscal year beginning July 1, 1945, and ending June 30, 1946, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, printing of County Record Books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson, Kenton and Harlan County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two and Three of this Budget Act, for the following purposes:

PART ONE

1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operation,

1944-1945	$ 5,000.00
1945-1946	$175,000.00

(b) *Legislative Council.* For ordinary recurring expenses of operation,

1944-1945	$200.00
1945-1946	$11,000.00

(c) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency,

1944-1945	$250.00
1945-1946	$250.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation,

1944-1945	$1,000.00
1945-1946	$1,000.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation,

1944-1945	$40,500.00
1945-1946	$36,000.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation,

1944-1945	$15,300.00
1945-1946	$15,300.00

(c) *Judicial Council.* For ordinary recurring expenses of operation,

1944-1945	$800.00
1945-1946	$800.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), Commissions on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), and Commissions on Fines and Forfeitures,

1944-1945	$1,300,000.00
1945-1946	$1,300,000.00

(e) *Salaries—Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation,

1944-1945	$290,000.00
1945-1946	$290,000.00

(f) *Return of Fugitives from Justice.* For ordinary recurring expenses of operation in paying for return of fugitives from justice authorized by the Governor which have not been previously paid,

1944-1945	$4,500.00
1945-1946	$4,500.00

(g) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law,

1944-1945	$130,000.00
1945-1946	$130,000.00

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation,

1944-1945 ..... $20,500.00

1945-1946 ..... $20,500.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation,

1944-1945 ..... $4,000.00

1945-1946 ..... $4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation,

1944-1945 ..... $6,000.00

1945-1946 ..... $6,000.00

(d) *Emergency Funds.*

(d) 1. General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund,

1944-1945 ..... $250,000.00

1945-1946 ..... $250,000.00

(d) 2. Emergency Fund for Lands and Buildings. For the purposes of repair, reconstruction and construction of buildings, and for the purposes of purchasing lands, build-

ings and appurtenances, and for the purpose of equipping and supplying the penal institutions, the mental hospitals, the feeble-minded institute, the school for the deaf, the state schools under the direct supervision of the State Board of Education, and Hazelwood Tuberculosis Hospital, there is hereby appropriated a portion of the unencumbered cash balance in the General Expenditure Fund at the close of the fiscal year ending June, 1944, and at the close of the fiscal year ending June 30, 1945. This sum or amount shall equal the difference between the unencumbered cash balance at said dates in the Treasury to the credit of the General Expenditure Fund and the amount which shall be determined necessary as operating capital within this Fund preliminary to meeting the budgetary requirements for the 1944-1945 and 1945-1946 fiscal years. The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the Treasurer, shall determine the necessary amount of operating capital as defined above and shall make direct approval of all expenditures from this appropriation. In no event shall the sum expended during either fiscal year for these purposes exceed the total of the unencumbered cash balance in the General Expenditure Fund at the close of the respective fiscal year, nor shall the sum expended during either fiscal year exceed $1,000,000.00 Dollars.

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation,

1944-1945	$21,000.00
1945-1946	$21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation,

1944-1945	$1,200.00
1945-1946	$1,200.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation,

1944-1945	$46,300.00
1945-1946	$46,300.00

(b) *Cost of Suits.* For extraordinary expenses of operation and paying Clerks, Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligations in prosecuting in the interest of the State, as required by law,

1944-1945	$5,000.00
1945-1946	$5,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission,

1944-1945	$28,000.00
1945-1946	$12,000.00

7. DEPARTMENT OF TREASURY

State Treasurer. (a) For ordinary recurring expenses of operation,

1944-1945	$34,500.00
1945-1946	$34,500.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and Recipients of Public Assistance as administered by the Welfare Department. The costs shall be borne by the respective departments.)

(b) *Custodian of Securities.* For ordinary recurring expenses and operation,

1944-1945 ..... $600.00

1945-1946 ..... $600.00

8. AUDITOR OF PUBLIC ACCOUNTS

Auditor of Public Accounts. For ordinary recurring expenses of auditing for the benefit of the State including all State Agencies and County Officials receiving or disbursing public monies belonging to the State,

1944-1945 ..... $37,500.00

1945-1946 ..... $37,500.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of Finance including the administration of Confederate Pensions, and administration of Public Printing.

1944-1945 ..... $155,000.00

1945-1946 ..... $155,000.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation,

1944-1945 ..... $130,000.00

1945-1946 ..... $130,000.00

(c) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units,

1944-1945	$16,000.00
1945-1946	$16,000.00

(d) *Public Record Books (Paper and Printing).* For ordinary recurring expenses necessary in the purchase and replacement of public record books during the fiscal year as provided in KRS 28.130.

1944-1945	$21,500.00
1945-1946	$21,500.00

(e) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required by KRS 117.070,

1944-1945	$500.00
1945-1946	$500.00

(f) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law,

1944-1945	$10,000.00
1945-1946	$10,000.00

(g) *Paper (Revolving Fund).* To be used for the purchase of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units,

1944-1945	$20,000.00
1945-1946	$20,000.00

(h) *Postage (Revolving Fund).* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units,

1944-1945	$10,000.00
1945-1946	$10,000.00

(i) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter,

1944-1945	$95,000.00
1945-1946	$95,000.00

10. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of various Divisions of the Department of Revenue,

1944-1945	$350,000.00
1945-1946	$350,000.00

11. DEPARTMENT OF REVENUE
MISCELLANEOUS REVENUE AGENCIES

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation,

1944-1945	$351,000.00
1945-1946	$351,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation,

1944-1945	$18,000.00
1945-1946	$18,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation,

1944-1945	$500.00
1945-1946	$500.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation,

1944-1945	$500.00
1945-1946	$500.00

(c) Presidential Electors,

1944-1945 Only	$700.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation,

1944-1945	$4,250.00
1945-1946	$4,250.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation,

1944-1945	$34,000.00
1945-1946	$34,000.00

(Of this amount $9,000.00 each year shall be earmarked to be expended exclusively in the operation of the Old Kentucky Home Park. Said Home to retain investments now existing for use and benefit of Old Kentucky Home.)

(c) *Cumberland Gap National Park. Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service, and the States of Virginia and Tennessee in the establishment of a Cumberland Gap National Park,

1944-1945	$37,500.00
1945-1946	$37,500.00

(d) *Division of Forestry.* For ordinary recurring expenses of operation,

1944-1945	$20,000.00
1945-1946	$20,000.00

(e) *Division of Publicity.* For ordinary recurring expenses of operation,

1944-1945	$17,500.00
1945-1946	$17,500.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation,

1944-1945	$16,000.00
1945-1946	$16,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation,

1944-1945	$30,000.00
1945-1946	$30,000.00

(c) *Division of Armories.* For ordinary recurring expenses of operation,

1944-1945	$42,000.00
1945-1946	$42,000.00

(d) *State Aviation Board.* For ordinary recurring expenses of operation,

1944-1945	$750.00
1945-1946	$750.00

(e) *Kentucky Active Militia.* For ordinary recurring expenses of operation,

1944-1945	$10,000.00
1945-1946	$10,000.00

(f) *Civil Defense.* For ordinary recurring expenses of operation,

1944-1945	$2,000.00
1945-1946	$2,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Commissioner of Agriculture.* For ordinary recurring expenses of operation,

1944-1945	$40,500.00
1945-1946	$40,500.00

(It is the intention of the Legislature that this appropriation shall be applicable to general administrative expenses, required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters of each fiscal year, "Division of Markets," "Weights and Measures.")

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation and extraordinary expenses designated by law,

1944-1945	$20,000.00
1945-1946	$20,000.00

(It is the intention of the Legislature that this appropriation shall be applicable to the "Per Diems and Expenses of Board Members" and to expenses of the "Live Stock Sanitation Division.")

(c) *Bang's Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation,

1944-1945 ..... $20,000.00

1945-1946 ..... $20,000.00

(It is the intention of the Legislature that this money is to be used for the treatment of the diseases and the paying for the diseased livestock and not for the purpose of paying administrative expenses.)

(d) *Boys' and Girls' Club Work.* For paying premiums for Boys' and Girls' Club Work and Bourbon Stock Yard Junior Club and for the promotion and encouragement of 4-H Club Work, for Kentucky products paid to Kentuckians,

1944-1945 ..... $5,000.00

1945-1946 ..... $5,000.00

(e) *State Fair Board.*

(1) For per Diem and Expenses of Board Members,

1944-1945 ..... $750.00

1945-1946 ..... $750.00

(2) Premiums for State Fair,

1945-1946 (Only) $45,000.00

(3) Retiring a part of the M. & M. Building bonded indebtedness maturing

November 1, 1944 ..... $14,000.00

November 1, 1945 ..... $14,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation,

1944-1945 ..... $6,000.00

1945-1946 ..... $6,000.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health-General.* For ordinary recurring expenses of operation including laboratory services,

1944-1945 ..... $155,000.00

1945-1946 ..... $155,000.00

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation,

1944-1945 ..... $2,500.00

1945-1946 ..... $2,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including Visiting Nurse services,

1944-1945 ..... $350,000.00

1945-1946 ..... $350,000.00

(d) *Hazelwood Sanatorium.*

1. For ordinary recurring expenses of operation,

1944-1945	$88,000.00
1945-1946	$88,000.00

2. For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements,

1944-1945	$9,600.00
1945-1946	$9,600.00

(e) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation,

1944-1945	$125,000.00
1945-1946	$125,000.00

(f) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in KRS 215.320,

1944-1945	$10,000.00
1945-1946	$10,000.00

(g) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation,

1944-1945	$7,500.00
1945-1946	$7,500.00

(h) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation,

1944-1945	$5,000.00
1945-1946	$5,000.00

17. DEPARTMENT OF WELFARE

(a) *Commissioner of Welfare.* For ordinary recurring expenses of operation of the charitable and penal institutions, Kentucky Children's Home and the administration of the Department of Welfare, including probation and parole,

1944-1945 ..... $2,760,000.00

1945-1946 ..... $2,760,000.00

(b) *Division of Public Assistance.* For ordinary expenses of operation and cooperation with the federal government under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year accounts necessary to comply with the federal regulation, and for the administration of Old Age Assistance, KRS 205.010 to 205.-080, including the cost of printing checks for recipients of Public Assistance program. Also, for administration of the Child Welfare program and for the administration of the statutes pertaining to "Aid to Dependent Children" and to "Aid to the Blind,"

1944-1945 ..... $4,250,000.00

1945-1946 ..... $4,250,000.00

(c) *Home for Incurables.* For ordinary recurring expenses of operation,

1944-1945 ..... $15,000.00

1945-1946 ..... $15,000.00

(d) *Colored Red Cross Hospital.* For ordinary recur-

ring expenses of operation under the supervision of the Department of Welfare,

1944-1945	$4,000.00
1945-1946	$4,000.00

(e) *Conveyance of Lunatics.* For ordinary recurring expenses of operation,

1944-1945	$8,000.00
1945-1946	$8,000.00

(f) *Pauper Idiots.* For ordinary recurring expenses of operation,

1944-1945	$75,000.00
1945-1946	$75,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation

1944-1945	$57,500.00
1945-1946	$57,500.00

(b) *Division of Certification.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation,

1944-1945 ..... $15,000.00

1945-1946 ..... $15,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation,

1944-1945 ..... $500.00

1945-1946 ..... $2,000.00

(e) *Common School Per Capita Fund.* For the payment of teachers' salaries and other expenses incidental to the operation and maintenance of the public schools of the State,

1944-1945 ..... $13,361,062.37

1945-1946 ..... $13,361,062.00

It is the intention of the Legislature that this amount shall include interest on State School bonds amounting to $138,937.63 for each year, as provided by the Constitution of Kentucky for the support of the common schools.

(f) *Equalization Fund.* For equalization of educational service in common schools,

1944-1945 ..... $1,500,000.00

1945-1946 ..... $1,500,000.00

(g) *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.180,

1944-1945 ..... $500,000.00

1945-1946 ..... $500,000.00

(h) *Vocational Education.* For ordinary recurring expenses of operation,

1944-1945	$40,000.00
1945-1946	$40,000.00

(i) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry or otherwise,

1944-1945	$30,000.00
1945-1946	$30,000.00

(j) *Kentucky State College for Negroes.* For ordinary recurrent expenses of operation,

1944-1945	$150,000.00
1945-1946	$150,000.00

(k) *West Kentucky Vocational Training School for Negroes.* For ordinary recurring expenses of operation,

1944-1945	$40,000.00
1945-1946	$40,000.00

(l) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition of Negro students required to go out of the State to obtain higher educational training,

1944-1945	$7,000.00
1945-1946	$7,000.00

(m) *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation,

1944-1945	$82,000.00
1945-1946	$82,000.00

(n) *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation,

1944-1945	$9,300.00
1945-1946	$9,300.00

(o) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation,

1944-1945	$14,800.00
1945-1946	$14,800.00

(p) *Kentucky School for the Deaf—White.* For ordinary recurring expenses of operation,

1944-1945	$145,000.00
1945-1946	$145,000.00

(q) *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation,

1944-1945	$9,000.00
1945-1946	$9,000.00

(r) *Mayo Vocational Training School.* For ordinary recurring expenses of operation for white people,

1944-1945	$30,000.00
1945-1946	$30,000.00

(t) *Teachers Retirement Fund. For administering and complying* with the obligations of the State under the Teacher Retirement Act, KRS 161.220 to 161.710, an amount equal to the total money paid into the State Treasury during each of the fiscal years ending June 30, 1945, and June 30, 1946, by teachers participating under the provisions of said Act, not to exceed,

1944-1945	$799,000.00
1945-1946	$823,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation,

1944-1945	$1,026,300.00
1945-1946	$1,026,300.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation,

1944-1945	$26,400.00
1945-1946	$26,400.00

(c) *Summer School Session.* For ordinary recurring expenses of operation,

1944-1945 ..... $11,000.00

1945-1946 ..... $11,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation,

1944-1945 ..... $33,000.00

1945-1946 ..... $33,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary expenses of administration,

1944-1945 ..... $1,500.00

1945-1946 ..... $1,500.00

(f) *For Extraordinary Expenses.*

1. Library Equipment

1944-1945 ..... $11,000.00

1945-1946 ..... $11,000.00

2. Scientific Laboratory Equipment

1944-1945 ..... $22,000.00

1945-1946 ..... $22,000.00

3. Engineering Equipment

1944-1945 ..... $22,000.00

1945-1946 ..... $22,000.00

4. Home Economics Equipment

1944-1945 ..... $11,000.00

1945-1946 ..... $11,000.00

(g) *Experiment Station.* For ordinary recurring expenses of operation,

1944-1945 ..... $55,000.00

1945-1946 ..... $55,000.00

(h) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products,

1944-1945 ..... $7,500.00

1945-1946 ..... $7,500.00

(i) *Research in Coal.*

1944-1945 ..... $8,250.00

1945-1946 ..... $8,250.00

(j) *Service Laboratories.* For ordinary recurring expenses of operation,

1944-1945 ..... $23,100.00

1945-1946 ..... $23,100.00

(k) *Nursery Inspection.* For ordinary recurring expenses of operation,

1944-1945 ..... $2,000.00

1945-1946 ..... $2,000.00

(l) *Princeton Sub-Station.* For ordinary recurring expenses of operation,

1944-1945	$17,600.00
1945-1946	$17,600.00

(m) *Quicksand Sub-Station.* For ordinary recurring expenses of operation,

1944-1945	$17,600.00
1945-1946	$17,600.00

(n) *Agricultural Extension Work.* For ordinary recurring expenses of operation,

1944-1945	$170,500.00
1945-1946	$170,500.00

(o) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in KRS 247.060,

1944-1945	$10,000.00
1945-1946	$10,000.00

20. STATE TEACHERS' COLLEGES

(a) *Eastern Kentucky State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$260,000.00
1945-1946	$260,000.00

(b) *Morehead State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$215,000.00
1945-1946	$215,000.00

(c) *Murray State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$235,000.00
1945-1946	$235,000.00

(d) *Western Kentucky State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$345,000.00
1945-1946	$345,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation,

1944-1945	$9,000.00
1945-1946	$9,000.00

(b) *Law Library-Books.* For ordinary recurring expenses of operation as provided for under KRS 171.110,

1944-1945	$3,000.00
1945-1946	$3,000.00

(c) *Library Sales Account-Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals,

1944-1945	$17,500.00
1945-1946	$17,500.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation,

1944-1945	$500.00
1945-1946	$500.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation,

1944-1945	$11,000.00
1945-1946	$11,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation,

1944-1945	$9,000.00
1945-1946	$9,000.00

22. DEPARTMENT OF BUSINESS REGULATIONS

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation,

1944-1945 ..... $4,000.00

1945-1946 ..... $4,000.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation,

1944-1945 ..... $45,000.00

1945-1946 ..... $45,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation,

1944-1945 ..... $45,000.00

1945-1946 ..... $45,000.00

(d) *Division of Securities.* For ordinary recurring expenses of operation,

1944-1945 ..... $7,000.00

1945-1946 ..... $7,000.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation,

1944-1945 ..... $8,000.00

1945-1946 ..... $8,000.00

(b) *Division of Wage Hours for Women and Minors.* For ordinary recurring expenses of operation including labor and statistics generally and inspection services,

1944-1945 ..... $25,000.00

1945-1946 ..... $25,000.00

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation,

1944-1945 ..... $40,000.00

1945-1946 ..... $40,000.00

(b) *Division of Geology.* For ordinary recurring expenses of operation,

1944-1945 ..... $14,000.00

1945-1946 ..... $14,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation,

1944-1945 ..... $24,000.00 and $6,000.00

1945-1946 ..... $24,000.00 and $6,000.00

It is the intention of the Legislature that $6,000.00 of the above amount shall be used each year to pay the salary of the Assistant Attorney General assigned to the Railroad Commission, and the salary of his stenographer.

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Overton Appropriation,*

1944-1945	$600.00
1945-1946	$600.00

(b) *Money refunded.* For refunding money paid to the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance,

1944-1945	$5,000.00
1945-1946	$5,000.00

(c) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1944-1945	$1,500.00
1945-1946	$1,500.00

(d) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General,

1944-1945	$10,000.00
1945-1946	$10,000.00

(e) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. and M. bonds as provided by KRS 164.520,

1944-1945	$9,900.00
1945-1946	$9,900.00

(f) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1944-1945	$250.00
1945-1946	$250.00

(g) *Statutes and Codes for Courts.* For paying for replacements and purchases of statutes and codes for the Courts as provided in KRS 57.340,

1944-1945	$1,500.00
1945-1946	$1,500.00

(h) *Jefferson County Fees.* For paying various officials of Jefferson County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1944-1945	
1945-1946	

(i) *Kenton County Fees.* For paying various officials of Kenton County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by Law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1944-1945 .....

1945-1946 .....

(j) *Harlan County Fees.* For paying various officials of Harlan County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by Law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1944-1945 .....

1945-1946 .....

PART TWO

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or subdivisions of the State Government for the fiscal year ending June 30, 1945, and for the fiscal year ending June 30, 1946, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following

professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government which receipts are placed to the credit of a Revolving Fund out of which shall be established separate Revolving Fund Account for the use and benefit of each separate professional Board or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. Withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for ordinary recurring expenses of operation properly approved by the Department of Finance, Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional Board, or other board, commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisitions. The total amount any agency may requisition from the Revolving Fund Account through the Department of Finance, shall not during the fiscal year ending June 30, 1945, nor during the fiscal year ending June 30, 1946, exceed the amount placed to the credit of the Revolving Fund for such year, out of which has been established a Revolving Fund Account for each separate agency during such fiscal year, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceding year, on or before September 30, of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE

Process Agents. All revenue received under KRS 271.090 not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Corporations. All revenue received under KRS 271.030, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

(b) *Expenses of Federal Elections.* All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

AUDITOR OF PUBLIC ACCOUNTS

County Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS 43.070, and all other fees that may be received in connection with such examinations.

DEPARTMENT OF FINANCE

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is now provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Federal Government or any Federal

Agency, as a reimbursement of any New Land and Building or Improvement Program which may be made applicable for use for said purposes or any of them.

DEPARTMENT OF REVENUE

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under KRS 186.410.

Back Tax Section. (Delinquent Taxes.) There shall be credited to this Revolving Fund such fees and revenues as are provided for by KRS 134.400.

Fair Trade Act—Distilled Spirits. All revenue received under KRS 243.710.

DEPARTMENT OF CONSERVATION

Division of State Parks.
Division of Forestry.
Division of Publicity.
Division of Game and Fish.

MILITARY DEPARTMENT

Industrial Peace Officers. All fees paid under KRS 61.360.

COMMISSIONER OF AGRICULTURE

1. Dog Law Enforcement.
2. Inspection—Stockyard Weighmen.
3. Inspection—Tobacco Warehouse Weighmen.

STATE FAIR BOARD

1. Continuing Fund—Operation.
2. Construction Fund.

DEPARTMENT OF HEALTH

1. Department of Health—General and Federal.
2. Hazelwood Sanatorium.
3. Kentucky Crippled Children's Commission.

DEPARTMENT OF WELFARE

1. Division of Hospitals and Mental Hygiene.
2. Division of Corrections.
3. Division of Child Welfare.
4. Division of Public Assistance.
5. Metal Stamping Plant.
6. Welfare Construction Fund.
7. Children's Home Society—White.

DEPARTMENT OF EDUCATION

1. Any Private or Federal Funds that may become available for use in connection with the Department.
2. Kentucky State College for Negroes.
3. West Kentucky Vocational Training School.
4. Mayo Vocational Training School.
5. State Board of Education—Investment Fund.
6. Kentucky School for the Deaf.
7. Workshop for the Adult Blind.
8. Lincoln Institute.

UNIVERSITY OF KENTUCKY

STATE TEACHERS' COLLEGES

1. Eastern Kentucky State Teachers College.
2. Morehead State Teachers College.
3. Murray State Teachers College.
4. Western Kentucky State Teachers College.

DEPARTMENT OF LIBRARY AND ARCHIVES

1. Kentucky Historical Society.
2. Stephenson Fund.
3. Library Extension Division.
4. State Board of Certification of Librarians.

DEPARTMENT OF BUSINESS REGULATIONS

1. *Division of Professional Regulations.* The salary of the secretary and other recurring expenses of operation for the Division of Supervision of Professional Regulations in the Department of Business Regulations shall be paid by assessments made against the funds of the professional agencies and boards under the Department of Business Regulations. The assessments shall be determined and fixed as provided in KRS 286.080.

State Board of Accountancy.
State Board of Examiners and Registration of Architects.
State Board of Barber and Beautician Examiners.
State Board of Chiropractic Examiners.
State Board of Dental Examiners.
State Board of Embalmers.
State Board of Pharmacy.
State Board of Pharmacy Prophylactic Enforcement.
State Board of Examiners of Trained Nurses.
State Board of Veterinary Examiners.
State Board of Bar Examiners.
Insurance Examiners Expense.
State Board of Professional Engineers.
Kentucky State Real Estate Commission.

2. *Division of Insurance, Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar years 1944 and 1945, under KRS 136.360, and also an amount equal to twenty-five percent

(25%) of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of subsections (1) to (10) of KRS 296.320, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section, for the fiscal years ending June 30, 1945, and June 30, 1946, respectively.

3. *Division of Insurance, Custodian of Securities.* The sums paid for expenses relating to the deposits of securities under KRS 297.350.

4. *Banking and Small Loan.* All revenue received by the Department in excess of the General Fund Appropriation shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS

1. Division of Geology.
2. Division of Coal Mining.

PUBLIC SERVICE COMMISSION

Out of the fees collected by the Public Service Commission as provided by KRS 278.130 to 278.150, a sum of not more than $130,000.00 for each of the fiscal years ending June 30, 1945, and June 30, 1946.

KENTUCKY REAL ESTATE BOARD

DEPARTMENT OF INDUSTRIAL RELATIONS

1. Workmen's Compensation Board, subject to the provisions of KRS 342.485.
2. Division of Unemployment Compensation.
3. Kentucky State Employment Service.

KENTUCKY AERONAUTICS COMMISSION

JEFFERSON COUNTY MASTER COMMISSIONER

MISCELLANEOUS

The Department of Finance is authorized to establish special expense and clearing accounts pending final distribution of funds.

PART THREE

DEPARTMENT OF HIGHWAYS

(1) *State Road Fund.* There shall be established for the purpose of paying all cost of operation and maintenance of the State Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1944, and ending March 31, 1945, and for the fiscal year beginning April 1, 1945, and ending March 31, 1946, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds realized from taxes now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of the State Road Fund during the fiscal years ending March 31, 1945, and March 31, 1946, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance, and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(2) *Division of Administration.* There is hereby appropriated out of the State Road Fund for each of the fiscal years

ending March 31, 1945, and March 31, 1946, for ordinary recurring administrative expenses of operation, including the cost of printing Treasury checks for the department, the sum of $600,000.00.

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1945, and March 31, 1946, to be used by the Division of Rural Highways, for the improvement, reconstruction and maintenance of County roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be expended in accordance with KRS 179.410 to 179.430, the sum of $2,000,000.00. (Of this amount, not more than 10 percent may be used for Administrative purposes for Rural Highway Division in the Highway Department. When the funds hereby appropriated have been allocated to the respective counties as provided by KRS 179.410, any unexpended balance remaining to the credit of any county from appropriations of previous years shall be carried forward and added to the allocation of the current year for each county.

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Highway Road Fund for each of the fiscal years ending March 31, 1945, and March 31, 1946, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law, the sum of $500,000.00.

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax and Tax on Other Motor Fuels.* There is hereby appropriated out of the State Road Fund to the Department of Revenue for each of the fiscal years ending June 30, 1945, and June 30, 1946, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor

Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels, the sum of $120,300.00.

(b) *Motor Transportation.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending June 30, 1945, and June 30, 1946, for the use of the Department of Business Regulation, Division of Motor Transportation, for ordinary recurring expenses of operation, the sum of $60,000.00.

PART FOUR

1.

All receipts, fees, and/or revenue, regardless of whether heretofore specified in this Act, of every department, board, commission, institution, agency, division, or subdivision of the State Government shall be covered into the State Treasury, promptly, as provided by statute, through the Department of Finance and placed to the credit of the General Expenditure Fund, excepting those revenues which are specifically allocated to the State Road Fund or the Revolving Fund which shall be credited to their respective funds as provided for in this Act. The fees, receipts, and/or revenue of every officer, department, division, subdivision, commission, board, institution, or agency of the State Government shall be covered into the State Treasury promptly, as provided by statute, and placed to the credit of the General Expenditure Fund and shall be used to defray the expenses of the State Government and the appropriations made from the General Expenditure Fund in this Act, unless otherwise specifically appropriated to one of the professional boards, commissions, institutions, agencies, or subdivisions of the State Government for Revolving Fund purposes; such agencies shall be only those that are listed in this Act as having been approved for Revolving Fund Accounts.

2.

The appropriations herein made for the ordinary recurring expenses and extraordinary expense and capital outlay for any officer, department, board, commission, institution, and subdivision of the State Government of the Commonwealth of Kentucky shall not be available for expenditure until alloted as now provided by law, and such appropriations as specifically made in this Act are hereby declared to be maximum and conditional appropriations except when the Governor determines an emergency exists in any department, board, commission, institution, or subdivision of the State Government requiring an additional allotment of funds to be made from the General Emergency Fund hereby placed at his disposal and made a specific appropriation to be used by him to meet existing emergencies so determined by him. This appropriation is designated under section 4 *"Executive Department"* Item (d) 1, Part One of this Act.

Whereas, a state of war exists in the United States, and the effect upon the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Legislature that the State expenditures for each fiscal year covered in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be finally determined until after the adjournment of this session of the Legislature, and as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues accruing to the General

Fund cannot be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government, and to ascertain the total revenues anticipated to accrue to the General Expenditure Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general laws, is hereby authorized, empowered and directed by the Legislature to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution, or subdivision of the State Government that will actually impair the necessary constitutional functions of government.

None of the money appropriated specifically herein under the term "capital outlay" shall be allotted or expended without the approval of the Governor, and the Governor shall not approve the allotment or the expenditure of any funds for capital outlay unless the total amount of revenue accruing to the General Expenditure Fund through existing laws is sufficient to justify said expenditures and unless the Governor of the Commonwealth believes the expenditure of said fund is feasible, taking into consideration the cost of labor and the cost and supply of materials incident thereto.

3.

To carry out the purpose of this Act for the ensuing biennium, the Commissioner of Finance is hereby empowered and granted the authority to make allotments and/or reallotments from appropriations made to the various officers, departments, boards, commissions, institutions, and subdivisions of the State Government, so as to prevent an overdraft, or a deficit in any fiscal year for which appropriations are herein made, and to prevent the maximum appropriation made to any officer, department, board, commission, institution, or subdivision of the State Government from being exceeded.

4.

Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1944, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance.

5.

Section 47.030 to 47.100, inclusive, of the Kentucky Revised Statutes of 1942, are repealed, and all continuing appropriations in existence at the time of this Act are hereby discontinued and repealed.

Said Committee amendments are as follows, viz.:

COMMITTEE AMENDMENT NO. 1.

Amend House Bill 35 on page 3, section 3, paragraph (a), by striking all of paragraph (a) and inserting in lieu thereof the following:

"(a) *Court of Appeals.* For ordinary recurring expenses of operation,

1944-1945	$38,250.00
1945-1946	$38,250.00

COMMITTEE AMENDMENT NO. 2.

Amend House Bill 35 on page 3, section 3, paragraph (b), by striking all of paragraph (b) and inserting in lieu thereof the following:

"(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation,

1944-1945 ..... $17,500.00
1945-1946 ..... $17,500.00

COMMITTEE AMENDMENT NO. 3.

Amend House Bill 35 on page 8, section 9, following paragraph (i), by inserting following paragraph (i) the following:

"(j) *New Lands and Buildings.* For capital outlay in the acquisition of lands and buildings, and the construction, reconstruction or repair of buildings, and fixtures appurtenant thereto, and for ordinary recurring expenses of the Department of Finance incident thereto,

1944-1945 ..... $200,000.00
1945-1946 ..... $200,000.00

COMMITTEE AMENDMENT NO. 4

Amend House Bill 35 on page 10, section 13, following paragraph (c). Insert, following paragraph (c) the following:

(c-1) *J. G. Weisiger Memorial State Park Monument.* For erection of a monument, 1944-1945 only, ...$5,000.00

COMMITTEE AMENDMENT NO. 5

Amend House Bill 35 on page 10, section 13, paragraph (d), by striking out all of paragraph (d) and inserting in lieu thereof the following:

"(d) *Division of Forestry.* For ordinary recurring expenses of operation,

1944-1945, ... $50,000.00
1945-1946, ... $50,000.00

COMMITTEE AMENDMENT NO. 6

Amend House Bill 35 on page 10, section 14, paragraph (b), by striking all of paragraph (b) and inserting in lieu thereof the following:

"(b) *Veterans' Division.* For ordinary recurring expenses of operation,

1944-1945, ... $60,500.00
1945-1946, ... $60,500.00

COMMITTEE AMENDMENT NO. 7

Amend House Bill 35 on page 11, section 15, paragraph (a) by striking the first three lines of paragraph (a) and inserting in lieu thereof the following:

"(a) *Commissioner of Agriculture.* For ordinary recurring expenses of operation,

1944-1945, ... $47,500
1945-1946, ... $47,500

COMMITTEE AMENDMENT NO. 8

Amend House Bill 35 on page 12, section 15, paragraph (e) (2) by striking sub-paragraph (2) of paragraph (e) and inserting in lieu thereof the following:

(2) *Premiums for State Fair,*

1944-1945, ... $45,000
1945-1946, ... $45,000

COMMITTEE AMENDMENT NO. 9

Amend House Bill 35 on page 12, section 15, paragraph (f) by striking paragraph (f) and inserting in lieu thereof the following:

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation,

1944-1945, ... $21,400
1945-1946, ... $21,400

COMMITTEE AMENDMENT NO. 10

Amend House Bill 35 on page 13, section 16, paragraph (d) by striking all of paragraph (d) and inserting in lieu thereof the following:

(d) *Hazelwood Sanatorium.*

1. For ordinary recurring expenses of operation,

1944-1945, ...$88,000
1945-1946, ...$277,400

2. For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements,

1944-1945, ...$13,000
1945-1946, ...$13,000

COMMITTEE AMENDMENT NO. 11

Amend House Bill 35 on pages 13 and 14, section 16, paragraph (h) by striking all of paragraph (h) and inserting in lieu thereof the following:

(h) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation,

1944-1945, ...$7,500
1945-1946, ...$7,500

COMMITTEE AMENDMENT NO. 12

Amend House Bill 35 on page 15, section 18, paragraph (a) by striking all of paragraph (a) and inserting in lieu thereof the following:

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation,

1944-1945, ...$67,500
1945-1946, ...$67,500

COMMITTEE AMENDMENT NO. 13

Amend House Bill 35 on pages 15 and 16, section 18, paragraph (e) by striking all of paragraph (e) and inserting in lieu thereof the following:

(e) *Common School Per Capita Fund.* For the payment of teachers' salaries and for no other purpose. The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of 1943-1944 including the salary supplement provided by the Deficiency Appropriation Act of 1944.

1944-1945, ...$13,361,062.37
1945-1946, ...$13,361,062.37

It is the intention of the Legislature that this fund shall also include in addition to the above amount and supplemental thereto the interest on State School bonds amounting to $138,937.63 for each year, as provided in the Constitution of Kentucky for the support of the Common Schools.

COMMITTEE AMENDMENT NO. 14

Amend House Bill 35 on page 16, section 18, paragraph (g) by striking all of paragraph (g) and inserting in lieu thereof the following:

(g) *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 to 157.190, inclusive,

1944-1945, ...$500,000.00
1945-1946, ...$500,000.00

(An amount not to exceed three percent of the above amounts may be used for administration.)

COMMITTEE AMENDMENT NO. 15

Amend House Bill 35 on page 16, section 18, paragraph (h), by striking all of paragraph (h) and inserting in lieu thereof the following:

(h) *Vocational Education.* For ordinary recurring expenses of operation,

1944-1945, ...$250,000.00
1945-1946, ...$250,000.00

COMMITTEE AMENDMENT NO. 16

Amend House Bill 35 on page 16, section 18, paragraph (i), by striking all of paragraph (i) and inserting in lieu thereof the following:

(i) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry or otherwise,

1944-1945, ...$61,000.00
1945-1946, ...$61,000.00

COMMITTEE AMENDMENT NO. 17

Amend House Bill 35 on page 16, section 18, between paragraphs (j) and (k) by inserting between paragraphs (j) and (k) the following:

(j-1). *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute,

1944-1945, ...$42,000.00
1945-1946, ...$42,000.00

COMMITTEE AMENDMENT NO. 18

Amend House Bill 35 on page 16, section 18, between paragraphs (k) and (l) by inserting between paragraphs (k) and (l) the following:

(k-l) *West Kentucky Vocational Training School for Negroes.* For ordinary recurring expenses for high school service.

1944-1945, ...$4,000.00
1945-1946, ...$4,000.00

COMMITTEE AMENDMENT NO. 19

Amend House Bill 35 on pages 17 and 18, section 18, paragraph (t) by striking all of paragraph (t) and inserting in lieu thereof the following:

(t) *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed,

1944-1945, ... $799,000.00
1945-1946, ... $823,000.00

COMMITTEE AMENDMENT NO. 20

Amend House Bill 35 on page 21, section 21, paragraph (a) by striking all of paragraph (a) and inserting in lieu thereof the following:

"(a) *Law Librarian.* For ordinary recurring expenses of operation,

1944-1945, ... $10,300.00
1945-1946, ... $10,300.00

COMMITTEE AMENDMENT NO. 21

Amend House Bill 35 on page 21, section 21, paragraph (b), by striking all of paragraph (b) and inserting in lieu thereof the following:

(b) "*Law Library-Books.* For ordinary recurring expenses of operation as provided under KRS 171.110,

1944-1945, ... $3,500.00
1945-1946, ... $3,500.00

COMMITTEE AMENDMENT NO. 22

Amend House Bill 35 on page 21, section 21, paragraph (d), by striking all of paragraph (d) and inserting in lieu thereof the following:

"(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation,

1944-1945, ...$1,000.00
1945-1946, ...$1,000.00

COMMITTEE AMENDMENT NO. 23

Amend House Bill 35 on page 21, section 21, paragraph (e), by striking all of paragraph (e) and inserting in lieu thereof the following:

"(e) *Division of Library Extension.* For ordinary recurring expenses of operation,

1944-1945, ...$20,000.00
1945-1946, ...$20,000.00

COMMITTEE AMENDMENT NO. 24

Amend House Bill 35 on page 21, section 21, paragraph (f), by striking all of paragraph (f) and inserting in lieu thereof the following:

"(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation,

1944-1945, ...$10,875.00
1945-1946, ...$10,875.00

COMMITTEE AMENDMENT NO. 25

Amend House Bill 35 on page 22, section 23, paragraph (b), by striking all of paragraph (b) and inserting in lieu thereof the following:

"(b) *Division of Wage Hours and Industrial Safety.* For ordinary recurring expenses of operation including labor and statistics generally and inspection services,

1944-1945, ...$50,000.00
1945-1946, ...$50,000.00"

Committee Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 were then agreed to.

Mr. Burnley moved that the vote by which Amendment No. 18 was agreed to, be reconsidered.

Said motion was disagreed to.

Thereupon Committee Amendments Nos. 19, 20, 21, 22, 23, 24, and 25 were agreed to.

Mr. J. Lee Moore offered the following amendment to said bill, viz.:

26. Amend H. B. 35, on page 14, section 16 following paragraph (h) by inserting the following paragraph:

(i) Kentucky Division of Women's Field Army of American Society for Control of Cancer.

For ordinary recurring expenses and for educational purposes in connection with control of cancer, for care of indigent cancer patients, and for control of cancer, under supervision of the State Board of Health:

1944-1945, ...$15,000.00
1945-1946, ...$15,000.00

Said amendment was agreed to.

Mr. Howell raised the point of order that Amendment No. 25 was not considered by the Committee on Appropriations and therefore was not a Committee Amendment.

The Speaker ruled that the point of order as raised by Mr. Howell, was well taken.

Thereupon, Mr. J. Lee Moore moved that the vote by which Amendment No. 25 was agreed to, be reconsidered.

Said motion was agreed to.

Mr. Cox moved that said bill be recommitted to the Committee on Appropriations, with instructions.

Without objection, the motion to recommit was withdrawn by Mr. Cox.

Without objection, Amendment No. 25 was withdrawn by Mr. J. Lee Moore.

Mr. J. Lee Moore offered the following amendment to said bill, viz.:

27. Amend H. B. 35 on page 26, section 2, line 22 by striking the word "rodinary" after the word "for" and before the word "recurring" and adding in lieu therefor the following words "betterments and ordinary."

Said amendment was agreed to.

Messrs. J. Lee Moore and Quill offered the following amendment, viz.:

28. Amend H. B. 35 on page 23, section 25, lines 3 to 8 inclusive by striking all of lines 3 to 8 inclusive and substituting in lieu thereof the following:

1944-1945, ...$24,000.00
1945-1946, ...$24,000.00

Said amendment was agreed to.

Messrs. J. Lee Moore and Quill offered the following amendment, viz.:

Amend H. B. 35 on pages 24 and 25, section 26, lines 37 to 61 inclusive by striking all of lines 37 to 61 inclusive, and inserting in lieu thereof the following:

(h) Jefferson County Fees. For paying various officials of Jefferson County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350.

1944-1945, ...The amount necessary
1945-1946, ...The amount necessary

(i) Kenton County Fees. For paying various officials of Kenton County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by Law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350.

1944-1945, ...The amount necessary
1945-1946, ...The amount necessary

(j) Harlan County Fees. For paying various officials of Harlan County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by Law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350.

1944-1945, ...The amount necessary
1945-1946, ...The amount necessary

Said amendment was agreed to.

Mr. J. Lee Moore offered the following amendment to said bill, viz.:

Amend H. B. 35 on page 12, section "d", lines 24 to 27 inclusive, by striking out "Boys' and Girls' Club work. For paying premiums for Boys' and Girls' Club Work and Bourbon Stock Yard Junior Club and for the promotion and encouragement of 4-H Club Work, for Kentucky products paid to Kentuckians,"

and inserting in lieu thereof:

"4-H Club and future Farmer Work. For paying premiums for 4-H Club and Future Farmer Work and for the promotion and encouragement of 4-H Club and Future Farmer activities in Kentucky."

Said amendment was agreed to.

Mr. Copeland offered the following amendment to said bill, viz.:

Amend H. B. 35 on page 14, section 17, lines 16 and 17 by striking out the figures "$4,250,000.00" in lines 16 and 17 and inserting in lieu the figures "$5,000,000.00"

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Copeland and Hammons, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	A. Roy Copeland	Bernie S. Edlin
Henry Arrowood	Marvin Cornett	Harry W. Ennis
Douglas T. Bolling	John Henry Cox	Dr. J. C. Gabbard
J. C. Bradley	John P. Craig	Chas. B. Gentry
Jno. W. Burkhart	Fred Creasey	Franklin Goins
Chas. W. Burnley	Thos. S. Dawson	J. D. Gross
C. D. Call	Adron Doran	R. M. Hall
Fred Carpenter	J. R. Dorman	Claude Hammons
Willis Champion	T. H. Dyer	B. C. Holbrook

Benton Howard	L. D. Moore	Leon J. Shaikun
Jerry F. Howell	W. B. Moser	Jno. W. Simmons
J. J. Huff	C. Sid Nabb	Faust Y. Simpson
W. N. Hughes	Coy C. Nevitt	George T. Smith
W. H. Hunt	Joe E. Nunn	E. A. Spencer
Lee Johnson	Chester Peterson	Arthur Stallard
Paul S. Jonas	Albert W. Pfeiffer	Geo. W. Steinford
Wm. E. Justice	Sylvester Phillips	Joe Stewart
H. Clay Kauffman	J. Gip Prather	Thos. M. Swope
M. Kavanaugh	L. W. Preston	Egbert V. Taylor
G. M. Knuckles	Kleber F. Price	H. Thieman, Jr.
J. T. Linton	Edw. P. Prichard	Otis C. Thomas
Homer E. Losey	James E. Quill	John L. Trumbo
A. L. Love	C. R. Reeves	S. J. Wagner
Pearl McKinney	Wade H. Riley	Harry F. Walters
C. C. May	H. G. Royalty	R. E. West
Johnston Miller	Amos Runyon	Taylor Witt
Harry L. Moore	F. W. Schuhmann	Speaker Harry
J. Lee Moore	Vernon Seaton	Lee Waterfield

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Those who voted in the negative were—

F. H. Bassett, Jr.	Herbert V. Moore	Robt. J. Spaulding
Isaac Blevins	Jno. C. Newcomb	C. W. Taylor
Jas. P. Hallahan	James T. Philpott	E. B. Thompson
Ed Marcum	Carl Scheben	

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Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 58. An Act authorizing and providing for the purchase, leasing, renting or erection of buildings to be located in Kenton County and to be known as Northern Kentucky Vocational School.

H. B. 79. An Act relating to insurance.

H. B. 105. An Act pertaining to institutions for children in counties having therein a city of the first class.

H. B. 20. An Act requiring all employers to state specifically the amount and the purpose of any deductions from employes' salaries or wages.

H. B. 29. An Act relating to the employment by the state government of persons who have served or who shall hereafter serve in the Armed Forces of the United States.

H. B. 86. An Act enabling court of counties containing cities of the first and third class, to purchase policies of insurance.

Thereupon all other business was suspended and said bills were read at length and compared in open session and thereupon, the Speaker, in open session and in the presence of the House, affixed his signatures thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Without objection, the following bills were introduced, viz.:

By Messrs. Bolling and Walters.

H. B. 337. An Act prohibiting any State, County or District Officer from accepting employment, receiving or being paid any salary, wages of compensation other than salary, per diem, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section One. No State, County or District Officer shall accept employment, or receive or be paid any salary, wages or other compensation from any source, other than the salary, per diem, or other compensation provided by law for any such officer, in connection with any public improvement, services or work, whereon or in which any such officer is authorized or empowered to act in an official capacity in any way, directly or indirectly.

Section Two. Any State, County or Officer, found guilty or convicted of a violation of Section One of this Act, shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, or confined in jail not less than thirty days nor more than twelve months, or both so fined and imprisoned.

Section Three. All laws or acts or parts of laws or acts, in conflict herewith, are hereby repealed.

By Mr. Riley.

H. B. 338. An Act abolishing Legislative Council.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 7.010 to 7.080, inclusive, of the Kentucky Revised Statutes of 1942 are repealed.

By Mr. Marcum.

H. B. 339. An Act relating to bar examinations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

During the present National Emergency, any person who has served for ten years as circuit court clerk, clerk of a U. S. district court, or as a member of the General Assembly, shall be permitted to take the bar examination, and, if he successfully passes such examination, he shall be permitted to practice law in this state.

By Mr. Philpot.

H. B. 340. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees for licenses for residents of Kentucky shall be as follows:

(a) County hunting and fishing license .....$ 1.50

(A county hunting and fishing license authorizes the holder to hunt and fish within the boundaries of the county for which it is issued and the holder need not be a resident of such county.)

(b) Seining license and one tag for one hundred feet of seine or part thereof 5.25

(c) Additional tags per one hundred feet of seine or part thereof 2.00

(d) Hoop net license 1.25

(e) Each additional hoop net 1.00

(f) State-wide hunting and fishing license 3.00

(A state-wide hunting and fishing license authorizes the holder to hunt and fish in any county without paying any additional fee.)

(g) Trapping license 1.00

(h) Fur buyers or dealers 2.00

(i) Live bait dealers 25.00

(j) Ferret permit 2.00

§ 2. This Act shall take effect on January 1, 1945, unless the game and fish license year is changed by other legislation enacted by the present General Assembly to begin July 1, in which case this Act shall take effect on July 1, 1944.

By Mr. Gross.

H. B. 341. An Act providing for State wide referendum, whether alcoholic beverages shall be sold in the State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A state-wide referendum may be held on the question of whether the sale of alcoholic beverages in this state shall be permitted. The petition for the referendum shall be filed with the Secretary of State not later than August

1, 1944. The provisions of KRS 132.100 to 132.120 as to the number of petitioners, the form of the petition, the certification of the petition, the advertisement of the question, the holding of the election, and the certification and publication of the result of the election, shall apply to the referendum held under this Act. The question to be advertised and to be placed on the ballots shall be: "Are you in favor of state-wide prohibition?"

§ 2. If a majority of those voting on the question vote in favor of the proposition, then, beginning as of July 1 following the election, the provisions of KRS 242.230 to 242.990 shall apply throughout the state, and KRS 241.020 to 241.990, 242.020, 243.020 to 243.670, 43.710 to 243.870, and 244.010 to 244.990 shall stand repealed.

By Mr. Copeland.

H. B. 342. An Act relating to vested and inchoate dower, descent and distribution—exemptions for surviving spouse, etc.

Said bill is as follows, viz.:

WHEREAS, Dower has been abolished or has never existed in thirty-two states of the United States and the present provision made under the laws of Kentucky for the surviving husband or wife is inadequate, unfair and inequitable; and,

WHEREAS, the difference between real and personal property should be abolished and the surviving spouse should be given a share of the entire estate, and just exemptions should be made from the claims of creditors in lieu of dower, so that the surviving spouse may inherit the same proportionate share whether the estate consists of real or personal property; and,

WHEREAS, the practice of both husband and wife joining in the execution of deeds and mortgages is a wise public policy and for that purpose inchoate right of dower should be retained with respect to such property as the husband or wife may have sold without waiver of dower by the other,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 391.010 and 391.020 of the Kentucky Revised Statutes are repealed, amended and reenacted so as to abolish the distinction between real and personal estate and between ancestral and non-ancestral property, and to provide for the surviving spouse of an intestate a fixed share of the entire estate, so that as amended and reenacted, the same shall read as follows:

Property of Person Dying Intestate; Persons to Whom It Descends. Subject to the provisions of Kentucky Revised Statutes 391.030 (Section 2 of this Act), when a person, including an infant or an alien, having right or title to any personal property or to any real estate of inheritance, dies intestate as to such personal property or real estate, said estate shall descend, and said personal property shall be distributed to his kindred, male and female, in the following order, except as otherwise provided by law:

One. If there be no surviving spouse, to his children and their descendants.

Two. If there be a spouse and one child, or its descendants, one-half to the surviving spouse and one-half to such child or its descendants.

Three. If there be a spouse and more than one child, or their descendants, one-third to the surviving spouse and the remainder to the children equally, including the descendants of any deceased child.

Four. If there be a surviving spouse and no children, or their descendants, one-half to the surviving spouse and one-half to the parent or parents of the descendent, if living, or if not living, to the brothers and sisters of the descendent or their descendants, or if none, the entire estate shall descend and pass to the surviving spouse.

Five. If there be no surviving spouse and no children, or their descendants, then to the next of kin in the following order:

Six. To his father and mother, if both are living, one moiety each; but if the father be dead, then the mother, if living, shall take the whole estate; if the mother be dead, then the whole estate shall pass to the father; if no father nor mother, then

Seven. To his brothers and sisters and their descendants; if there are none, then

Eight. One moiety of the estate shall pass to the paternal and the other to the maternal kindred, in the following order:

(a) First, the grandfather and grandmother equally, if both are living; but if one is dead, the entire moiety shall go to the survivor; if there is no grandfather or grandmother, then

(b) To the uncles and aunts and their descendants; if there are none, then

(c) To the great-grandfathers and great-grandmothers, in the same manner prescribed for grandfather and grandmother by subsection (a); if there are none, then

(d) To the brothers and sisters of the grandfathers and grandmothers and their descendants; and so on in other cases without end, passing to the nearest lineal ancestors and their descendants.

Nine. If there is no such kindred to one of the parents as is described in subsection (8), the whole shall go to the kindred of the other. If there is neither paternal nor maternal kindred and if descendent's spouse is dead, the whole shall go to the kindred of the deceased's spouse, as if he or she had survived the inestate and died entitled to the estate.

§ 2. Section 391.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) *Exemptions to Surviving Spouse or Minor Children.* If an intestate is survived by a spouse or infant child or children, the appraisers shall set apart, subject to the provisions of subsection (3) of this section, such specific articles of personal property or cash as may be selected by such surviving spouse, or if there be no surviving spouse, by the guardian of such minor child or children, not exceeding in value twenty per cent of the appraised value of the property, real and person, comprised in the inventory after deducting all liens and mortgages existing at the date of death, but in no event more than $2,500.00 if there be a surviving spouse, nor more than $1,000.00 if there be no surviving spouse, but surviving minor child or children, nor less than $750.00 in either case. If there be insufficient personal property to satisfy said exemption, the unpaid portion thereof shall be a charge upon the real estate prior to the claims of all creditors of the estate.

(2) After the payment of all debts, taxes, funeral expenses and expenses of administration, there shall be set aside to the surviving spouse, subject to the provisions of subsection (3) of this section, the following additional exemptions: If the intestate left an adult child or children and no minor child or children, there shall be set apart to the surviving spouse and exempt from descent and distribution, the sum of $2,000.00. If the intestate left both minor and adult children the proportionate interest of such adult

child or children in the sum of $2,000.00 shall be so exempt and set apart to the surviving spouse. If the intestate left no children or their lineal descendants, there shall be set apart and so exempt to the surviving spouse the sum of $5,000.00. None of the provisions of this subsection for additional exemptions shall apply or be available to a surviving spouse who has renounced a will within the time prescribed by law.

(3) In determining the exemption to which a surviving spouse is entitled under subsections (1) and (2) of this section, there shall first be deducted from said total exemption any interest in funds, or the value of any interest in property, real or personal, as of the date of death, which may have passed from the descendent to the surviving spouse as tenant by the entirety or by right of survivorship, or by any agreement under which the survivor became the owner of property at the death of the deceased spouse. Upon verified application to the court by the surviving spouse showing the total amount of exemptions due and all funds or property deductible therefrom as herein provided, the court shall determine by order the amount of exemptions and the specific personal property and cash to be set apart therefor, and if the exemptions provided for in subsection (1) have not been properly set aside by the appraisers, the court shall do so. If there is insufficient personal property and cash to provide for these exemptions, the unpaid part of the exemptions shall be a charge upon the deceased's real estate and so ordered by the court. Exceptions to any of the exemptions herein provided for or determined by the court may be filed at any time before the confirmation of the fiduciary's settlement.

(4) A lien shall exist against the decendent's real estate in favor of the surviving spouse or minor child or children for that part of said exemptions as may not be satisfied from personal property, which lien may be enforced in the same manner as other liens by action in the circuit court to which all persons having interest shall be parties. In such action

the court may, at the request of any party in interest, review and redetermine the amount of exemptions and deductions therefrom as determined by the county court.

§ 3. Section 392.080 of the Kentucky Revised Statutes is amended to read as follows:

Surviving Spouse May Renounce Will; When Devise Is in Addition to Share under Descent and Distribution. (1) Except as provided in subsection (2) of this section, when a surviving spouse claims his or her share under the law of descent and distribution, said surviving spouse shall be charged with the value of any devise or bequest under the deceased spouse's will; or the surviving spouse, though under full age, may relinquish what is given to him or her under the will and receive his or her share under the law of descent and distribution as if no will had been made, but not exceeding one-half of the estate. Said renunciation shall be in writing and acknowledged in the same manner as deeds, and left for record with the county clerk of the county where the will was probated within twelve months after the probate of the will, or if there is pending at that time an appeal from the order probating said will, then within twelve months from the time the appeal is disposed of. The clerk shall record such renunciation and index the same both among real estate conveyances and among fiduciary orders.

(2) Subsection (1) does not preclude the surviving spouse from receiving his or her share under the law of descent and distribution in addition to any devise or bequest made under the will, if such is the intention of the testator, plainly expressed in the will or necessarily inferable from the will.

§ 4. Section 392.020 of the Kentucky Revised Statutes is amended to read as follows:

Inchoate Dower. After the death of either the husband or wife, the survivor shall have an estate for his or her life in one-third of all the real estate of which the deceased spouse, or any one for his or her use, was seized of an estate in fee simple during the coverture, unless the right to such dower or interest has been barred, forfeited or relinquished; but the survivor shall not be endowed of any estate in any property owned by the deceased spouse at the time of his or her death. If the surviving spouse shall take interest in any property under this section the value of the same shall be reduced by the value of his or her interest in the descendent's estate under his will or under the law of descent and distribution, which has been substituted for vested dower.

§ 5. Section 392.040 of the Kentucky Revised Statutes is amended to read as follows:

Lands of which Surviving Spouse Shall Not Be Endowed. The surviving spouse shall not be endowed of land sold by the deceased spouse before marriage, but not conveyed, nor of land sold, in good faith, after marriage, to satisfy a lien or incumberance created before marriage, or created by deed in which the survivor joined, or to satisfy a lien for the purchase money.

§ 6. Section 392.030 of the Kentucky Revised Statutes, relating to a wife's dower though her husband has no actual possession, and Section 392.120 of said Statutes, relating to jointure, and Section 392.060, of said Statutes, relating to the assignment of dower, are repealed.

§ 7. Section 392.070 of the Kentucky Revised Statutes is amended to read as follows:

Recovery of Dower of Heir, Devisee or Purchaser; Value, Rents. When recovery is sought against the purchaser of the deceased spouse's lands in which inchoate dower had not

been released, the surviving spouse's dower shall be according to the value of the land when received by the purchaser, and shall not include, in the estimated value, any permanent improvements he has made on the land. Such claims for rent shall only be from the commencement of the action to final recovery, and if claimant dies after such action is brought it may be revived as other actions by his or her representative.

§ 8. Section 392.010 of the Kentucky Revised Statutes is amended to read as follows:

Husband's Interest in Wife's Realty Same As Wife's Interest in His. All of the sections of this chapter except Kentucky Revised Statutes 392.100 that relate to the wife's dower or interest in the husband's real estate, shall apply in all cases, as far as may be, to the husband's interest in the wife's real estate.

§ 9. Section 392.050 of the Kentucky Revised Statutes is amended to read as follows:

Rights of Surviving Spouse Pending Settlement. The surviving spouse shall be entitled to hold the home, yard, garden, stable or garage and an orchard, if there be one adjoining, during the administration of the estate or until his or her part thereof has been set apart to him or her, not exceeding one year or until the sale thereof by judgment of the proper court.

§ 10. This act shall become effective only as to estates of persons dying after the effective date of this act. As to the determination of the rights of heirs, creditors and the surviving spouse in the estates of persons dying before that time, the Statutes in force as of the time of death shall apply.

By Mr. Knuckles.

H. B. 343. An Act providing for the establishment of a juvenile court, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any county having therein or that may hereafter have therein a city of the third class or a portion of a city of the third class not the county seat and being more than ten miles from the county seat, the distance to be measured from the courthouse of such county seat to the city limits of such third class city or portion of such third class city, along the most convenient and usually traveled highway, there is hereby established a Juvenile Court and the governing authority of such third class city may but shall not be compelled to establish, construct and maintain a detention home in such city and if such home is established shall levy annually a sufficient tax to establish, construct and maintain such detention home.

§ 2. The Judge of the Police Court of said city shall act and serve as Judge of this Juvenile Court, and such Court shall have exclusive jurisdiction within the limits of the city of all dependent, neglected and delinquent children as defined in Section 199.010 of the Kentucky Revised Statutes. The City Prosecuting Attorney shall be Clerk of the Juvenile session of the Police Court, and he shall attend all sessions of the court and shall keep a complete and indexed record of its proceedings. For his services as such Clerk the governing authority of the city may make him a reasonable annual allowance to be paid out of the city treasury. The Judge of the Police Court may appoint a probation officer if he deems it necessary or advisable, who shall serve at the pleasure of the Judge and who may be a volunteer probation officer, or the city may pay him a reasonable compensation for his services not to exceed Fifteen Hundred ($1,500.00) Dollars annually payable in equal monthly installments out of the City treasury.

§ 3. The provisions of chapter 199 of the Kentucky Revised Statutes, dealing with dependent, neglected and delinquent children and Juvenile criminals, shall apply in full force to all proceedings had in the Juvenile Courts established under this Act, except as inconsistent with the foregoing provisions of this Act, and they are adopted as part of this Act, and if in the enforcement of this law the Juvenile Judge should commit some delinquent child to the Reform School the expense of maintaining the child shall be paid by the County in the manner now provided by law under sections 198.080 and 198.090 of the Kentucky Revised Statutes.

§ 4. The tax levying authority of such third class city shall make an annual levy of taxes in the manner now provided by law, and within the constitutional limits of taxation provided in such city, to defray such expenses as are incident to the establishment, operation and maintenance of this Juvenile Court and detention home, if such detention home is established by the city.

Ordered that said bills be referred and printed.

The following resolutions were introduced and referred to the Committee on Claims.

By Mr. Gross.

H. Res. 39. Resolution authorizing Robert Lewis to sue the Commonwealth.

A JOINT RESOLUTION authorizing Robert Lewis of Laurel County, Kentucky to sue the Commonwealth of Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Robert Lewis of Laurel County, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Laurel Circuit Court for damages resulting from personal injury caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of Ten Thousand ($10,000.00) Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or a jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Howard.

H. Res. 40. Resolution authorizing A. H. Bowman to sue the Commonwealth.

A JOINT RESOLUTION authorizing A. H. Bowman, to sue the Commonwealth of Kentucky and Department of Highways:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, A. H. Bowman is authorized to sue the Commonwealth of Kentucky in Lee Circuit Court or any Circuit Court having jurisdiction for damages resulting from personal injuries causing a loss of his wife's services, society and cure in attempting to restore her power to labor and earn money.

That her injuries are permanent and was caused by the gross negligence of the Commonwealth of Kentucky, Department of Highways, in leaving an open ditch, four feet wide and about four feet deep clear across the hard surfaced State Highway, near the Lee and Owsley line in Kentucky; and that the foreman of a Highway crew was grossly and criminally negligent in leaving said ditch wide open, unprotected by red lanterns or any signs, signals or warnings from four o'clock in the afternoon and all through the ensuing night, when said foreman was duly warned, that leaving said ditch open "would kill someone before morning." And that said A. H. Bowman and his said wife Rosie Bowman while driving along said highway, near midnight, in their car,—which car was caused to plunge into said ditch and turn over three time, permanently injuring both of them, and permanently causing him to lose her society, services and causing him great expense in attempting (vainly) to cure her.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be con-

sidered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Harry L. Moore.

H. Res. 41. Resolution authorizing Chester Logan, next friend or guardian of George Jean Logan, infant, to sue the Commonwealth.

By Mr. Hughes.

H. Res. 42. Resolution authorizing Samuel Peters to sue the Commonwealth.

A JOINT RESOLUTION authorizing Samuel Peters, to sue the Commonwealth of Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That said Samuel Peters is authorized to sue the Commonwealth of Kentucky in Lee or Owsley Circuit Court for damages resulting from injuries causing loss of services of his son, Bruce Peters, a minor, and costs of doctor's bills, nurses' bills, nursing, medicines and hospitals in attempting to effect a cure of his said son.

Said injuries were caused by the wrongful act of negligence on the part of employees, agents and officers of the Commonwealth of Kentucky, while said employee (Bruce Peters) was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $1,000.00. The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said

suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by council in argument to the jury.

By Mr. Craig.

H. Res. 43. Resolution authorizing the payment of witness claims allowed by the Menifee Circuit Court to C. D. Williams.

A JOINT RESOLUTION authorizing the payment of witness claims allowed by the Menifee Circuit Court, to C. D. Williams, Frenchburg, Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That C. D. Williams, of Frenchburg, Kentucky, is now the owner of witness claims allowed by the Menifee Circuit Court at the March, 1942; June, 1942, terms in the total amount of $75.80.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by C. D. Williams, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary

to pay said claims, being seventy-five and 80/100 ($75.80) dollars, is hereby appropriated out of the General Fund for that purpose.

By Mr. Hughes.

H. Res. 44. Joint Resolution authorizing John Campbell to sue Commonwealth.

A JOINT RESOLUTION, authorizing John Campbell, of Lerose, Kentucky, to sue the COMMONWEALTH OF KENTUCKY:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That John Campbell of Lerose, Kentucky, is authorized to sue the COMMONWEALTH OF KENTUCKY in the Owsley Circuit Court for property damage caused by the alleged negligence on the part of the Department of Highways and its employes in the construction of a highway and bridge.

Said suit shall be in a sum not to exceed twenty five hundred dollars. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

By Mr. Call.

H. Res. 45. Resolution authorizing payment of claim for services rendered, to Eugene Linville, Circuit Court Clerk for Robertson County.

A JOINT RESOLUTION, authorizing the payment of claim for services rendered, under the jury law and in felony cases, to Eugene Linville, Circuit Court Clerk for Robertson County, Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commonwealth of Kentucky is indebted to Eugene Linville, Circuit Court Clerk of Robertson County, in the sum of seventy-two dollars and twenty cents, being the sum to be paid by the Commonwealth for services under the jury law and in felony cases.

It appearing that the said claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claim when presented by Eugene Linville, and the amount necessary to pay said claim, being seventy-two dollars and twenty cents ($72.20), is hereby appropriated out of the General Fund for that purpose.

By Mr. L. D. Moore.

H. Res. 46. Resolution authorizing J. J. Evans, J. F. Evans, and Charlie Evans of Whitley County to sue the Commonwealth.

A JOINT RESOLUTION authorizing J. J. Evans, J. F. Evans, and Charlie Evans, of Whitley County, to sue the Commonwealth of Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That J. J. Evans, J. F. Evans, and Charlie Evans, of Whitley County, are authorized to sue the Commonwealth of Kentucky in Whitley County Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employe of the Commonwealth of Kentucky while said employe was in the line of duty as an employe of this Commonwealth.

Said suit shall be for a sum not in excess of $2,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Hammons moved that the House do now adjourn.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Love and Cox were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Isaac Blevins	Willis Champion
F. H. Bassett, Jr.	Douglas T. Bolling	Marvin Cornett

John Henry Cox	Paul S. Jonas	Sylvester Phillips
Fred Creasey	Wm. E. Justice	James T. Philpott
Thos. S. Dawson	M. Kavanaugh	J. Gip Prather
Adron Doran	G. M. Knuckles	Wade H. Riley
J. R. Dorman	J. T. Linton	H. G. Royalty
T. H. Dyer	Homer E. Losey	Carl Scheben
Bernie S. Edlin	Pearl McKinney	F. W. Schuhmann
Harry W. Ennis	Ed Marcum	Vernon Seaton
Dr. J. C. Gabbard	C. C. May	Jno. W. Simmons
Chas. B. Gentry	Harry L. Moore	George T. Smith
J. D. Gross	Herbert V. Moore	E. A. Spencer
Jas. P. Hallahan	J. Lee Moore	Arthur Stallard
Claude Hammons	L. D. Moore	Egbert V. Taylor
B. C. Holbrook	W. B. Moser	H. Thieman, Jr.
Benton Howard	C. Sid Nabb	Otis C. Thomas
Clyde S. Howard	Coy C. Nevitt	E. B. Thompson
J. J. Huff	Jno. C. Newcomb	John L. Trumbo
W. N. Hughes	Joe E. Nunn	Harry F. Walters
W. H. Hunt	Chester Peterson	R. E. West
Lee Johnson	Albert W. Pfeiffer	Taylor Witt

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Those who voted in the negative were—

Jno. W. Burkhart	Jerry F. Howell	Leon J. Shaikun
Chas. W. Burnley	H. Clay Kauffman	Faust Y. Simpson
C. D. Call	A. L. Love	Robt. J. Spaulding
Fred Carpenter	Johnston Miller	Geo. W. Steinford
A. Roy Copeland	L. W. Preston	Joe Stewart
John P. Craig	Kleber F. Price	Thos. M. Swope
Franklin Goins	Edw. P. Prichard	C. W. Taylor
R. M. Hall	James E. Quill	S. J. Wagner

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And then the House adjourned.

WEDNESDAY, FEBRUARY 23, 1944.

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. R. Reeves, member of the House.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Thos. S. Dawson
Adron Doran
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope

C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wägner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

The Chief Clerk read to the House the following communication from the Franklin Fiscal Court, viz.:

The following resolution was offered by Squire Montgomery who moved its adoption, and seconded by Squire Quire of the Franklin County Fiscal Court. Said resolution is in words and figures as follows:

WHEREAS, the United States of America and its sister republics of the Americas are now all, or most of them, at war with the Axis powers, and

WHEREAS, in this war material and equipment produced in the Americas are vital and necessary for the proper conduct of the war, and for the protection of our gallant young men and women who are serving in the Armed Forces, and

WHEREAS, at this time it is necessary that every citizen of this United States put forth every possible effort to produce to the maximum the equipment and materials necessary for the army and civilians who are supporting the Armed Forces and

WHEREAS, many labor unions are agitating and causing strikes to occur in many of the essential industries, and

WHEREAS, these strikes are slowing up the production of equipment and materials, the lack of which will cause many casualties which could be prevented, and

WHEREAS, this Government has, under the Selective Service Act, caused many young men to leave their vocations and enter the Armed Forces,

NOW, THEREFORE, be it resolved that the Franklin County Fiscal Court does hereby condemn and declare strikes in this time of emergency to be unpatriotic and un-American, and that such strikes resulting in a direct retarding of the war effort should be prevented. Therefore, be it further resolved that since the law now permits the drafting of young men for the Armed Forces that the Congress of the United States take such action as may be necessary to draft all labor so that those strikes will be prevented and the slowing down of the production of essential war equipment and materials eliminated, and be it further resolved that the Franklin County Fiscal Court desires and recommends to the General Assembly of the Commonwealth of Kentucky that it pass such laws as may be necessary to prevent the calling of strikes during the emergency in any of the industries in Kentucky.

An attested copy of this resolution shall be sent by the Clerk of the Franklin County Court to the General Assembly of the Commonwealth of Kentucky and to the Congress of the United States.

On the ayes and nays the following vote resulted:

AYES—5; NAYS—

This resolution having been unanimously adopted, the Clerk of the Franklin County Court is hereby ordered and directed to send an attested copy to the General Assembly of the Commonwealth of Kentucky and to the Congress of the United States.

A COPY ATTEST:

Mrs. R. Carey Graham,
Clerk Franklin County Court
Frankfort, Kentucky
By CARRIE M. Cox
Deputy

The Chief Clerk read to the House the following invitation from the Kentucky Mountain Club:

FEBRUARY 22, 1944.

The House of Representatives,
Frankfort, Kentucky
Gentlemen:

The Kentucky Mountain Club of Lexington, Kentucky invites you to be their guests at a banquet to be held at the Phoenix Hotel in Lexington, at six-thirty o'clock P.M. on Friday of this week. We hope that each one of you may be able to come, and we promise you good food, wholesome entertainment and an instructive program. The meeting will be informal,

Cordially yours,

Mack J. Morgan, President.

Mr. Huff offered the following resolution, viz.:

Whereas, the United States Senator, Alben W. Barkley, of Kentucky has denounced President Roosevelt for the stand he took and the utterances that he made in his veto message when he vetoed the two billion dollar tax bill that the Congress has passed, and

Whereas, that he has resigned his position as Administration Leader of the Senate,

Be It Resolved that this House of Representatives do go on record as approving his actions and commend him for so doing,

Be It Further Resolved that a copy of this resolution be spread upon the minutes of this House and a copy sent to Senator and a copy given to the press.

Said resolution was referred to the Committee on Ways and Means.

Mr. Walters moved that Misses Margaret and Maureen Taylor, daughters of Roy L. Taylor, be appointed Honorary Pages of this House.

Said motion was agreed to.

Mr. Nevitt moved that a leave of Absence be granted to Mr. Dyer.

Said motion was agreed to.

Mr. Hammons moved that a bill entitled:

H. B. 157. An Act relating to the State tax on amusement admissions etc.

Be made a Special Order of the Day for Friday, February 25 at two o'clock P.M.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 61. An Act repealing and re-enacting sec. 489 of the Civil Code of Practice, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 489 of the Civil Code of Practice (being a part of Chapter 137, Acts of 1942) is repealed and the following is enacted in lieu thereof.

Section 489. Sale of Real Estate of Infants and Persons of Unsound Mind.

1. *Purposes of Sale.* The real property or any right, title or interest in real property of a person under the age of twenty-one years, or of a person of unsound mind, whether such person be a resident or a non-resident of this State, may be sold under or by decree of a Court of Equity of the County in which the property or any part thereof is situated for any purpose deemed by the chancellor to be necessary or proper or beneficial to such person under disability.

2. *Parties.* The decree may be rendered on a petition, counter-claim or cross-petition filed by the statutory guardian of an infant, or by the committee of a person of unsound mind, or by a next friend, or by any party against a guardian or committee, if he have one residing in this State, in any kind of similar proceeding that may be maintained against a person who is not under disability.

Except in actions brought under sub-section eight (8) hereof, if the guardian or committee, of a person under disability be a party to the action then it shall not be necessary for the person under disability to be made a party personally.

If the guardian or committee of a person under disability be not a party to the action, then it shall be necessary for the person under disability to be a party personally and brought before the Court in the manner authorized by this Code.

Nothing contained in this sub-section shall limit the purposes of sale named in sub-section 1 hereof.

If the suit be filed against a guardian or committee and he shall fail to appear and defend or show that no good de-

fense can be made, the Court shall appoint a guardian ad litem to do so.

3. *Substance of the Pleading.* The pleading seeking a sale shall file the title papers, or copies thereof, under which the property is held; shall particularly describe the property and the interest therein of the person under disability; set forth fully the reasons or purposes for which it is sought to have the same sold; and the nature and extent of all liens upon the interest of the person, if any, so far as the same may be known to the petitioner.

4. *Reference to Commissioner.* The case may be referred by order of Court to the Master Commissioner for hearing of evidence and report on the facts and his recommendation with respect to the relief sought in the pleadings.

5. *Proof Required.* The allegations of the pleading shall not be taken as confessed but shall be proved by competent evidence heard on deposition or orally by the chancellor or commissioner. A transcript thereof shall be filed as part of the record.

6. *Payment of Proceeds—Bond.* The proceeds of any sale may be paid to the guardian or committee provided that he shall have executed in the Circuit Court a bond with surety to the Commonwealth for the use and benefit of the person under disability that he will faithfully discharge his trust and will account for, pay and deliver to said person all money and other property due or belonging to him when he shall reach his majority, or if he be a person of unsound mind when he shall be legally restored, or to his heirs or personal representative, or in compliance with an order of any court of competent jurisdiction. The court shall endorse its approval on said bond, which shall be recorded on the order book.

7. *Judgment—Guardian or Committee May Make Sale.* Subject to the above conditions, judgment may be rendered

and executed in the same manner and on the same terms as judgments in similar cases where no person under disability is a party.

Provided, that (a) the Court may in its discretion authorize the guardian or committee of such person or the Commissioner of the Court to make said sale at public auction upon such terms and conditions as the court may order, and to convey title thereto; or (b) if the land or interest to be sold be of an appraised value of less than $1,000, the court may in the judgment authorize such fiduciary to make the sale privately and convey title; subject, however, to the approval of the chancellor before consummation.

8. *Private Sale—Approval of Court.* Without previous judicial proceedings or judgment the guardian of an infant or the committee of a person of unsound mind may sell privately or at public auction and convey any interest in real estate owned by a ward for such reasons and purposes and upon such terms and conditions as he shall deem best for the interest of said ward. Provided, however, that no such sale shall be consummated until same shall have been approved by the judge of the Circuit Court in the County where the land or a portion thereof is situated in a suit in equity filed by the guardian or committee against said infant or person of unsound mind. The petition shall set forth the reasons and purposes of the sale and the terms thereof.

If the person under disability be brought before the Court by service of summons, a guardian ad litem shall be appointed for such person. Proof shall be taken only on notice to said guardian ad litem or, if the person under disability be constructively summoned, on notice to his warning order attorney. Proof may be taken by depositions or orally before the chancellor and thereafter transcribed and filed in the record of the case. The guardian ad litem or warning order attorney shall make a defense or file a report stating that after

careful examination of the case he is unable to make a defense.

If the chancellor shall deem the sale advisable and the terms and price satisfactory, he shall enter and order approving the same; provided, however, that the judgment shall not be entered until the guardian or committee shall have executed a bond with approved surety in an amount not less than the sum due, or to become due, his ward from said sale providing that he will faithfully discharge all his duties as such guardian or committee and will comply with the judgment and orders of the court, and account for, pay and deliver the proceeds of the sale or property in which it shall be invested to his ward or other person entitled thereto. The bond shall be approved by the court and recorded in the order book. Provided if the share of the infant in the proceeds does not exceed $100.00, exclusive of interest, no bond shall be required of the guardian. This proceeding may be tried and judgment rendered in accordance with the provisions of Section 23.150, Ky. Rev. Stats.

9. *Court to Protect Rights.* The court shall at all times enter such orders as will conserve and protect the rights of the person under disability.

10. *Proceedings Not Void—Exceptions.* No defect or error in the proceeding shall render the judgment or sale void unless the same is of the nature and character that would render the proceeding void if all parties were sui juris.

S. B. 96. An Act to repeal and re-enact Sec. 162.431, 162.435, 162.440, 162.450, 162.460 and 162.480 KRS.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky that:

Sections 162.431, 162.435, 162.440, 162.450, 162.460, and 162.480 of the Kentucky Revised Statutes prepared by the Statute Revision Commission of the Commonwealth of Kentucky, be and they are hereby amended and re-enacted so that said Sections as amended and re-enacted shall read as follows:

162.431: In addition to other taxes now levied, each city of the second class shall levy, and the County Fiscal Court of a county containing a city of the second class shall levy annually such tax of not less than one cent nor more than five cents on each one hundred dollars' valuation of property assessed by the city and/or the county, as shall be requested by the Board of Education of the independent school district embracing the city, or Board of Education of a county containing a city of the second class, at the same time the regular tax rate is fixed by the Board of Education, to provide a fund for the Board of Education for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof, and for the major alteration and enlargement of existing buildings and the complete equipping thereof. In addition to, or in lieu of, the above special tax, the board of education of any city of the second class and/or of a county containing a city of the second class may pay into this special fund, from time to time, all or any part of the receipts from the sale of land or property no longer needed for school purposes, and may from time to time pay into this special fund all or any part of any balances remaining in the general fund at the end of any fiscal year over and above the amount necessary for discharging obligations for the fiscal year in full. Any additional tax levied under this section shall come within the present permissible maximum school tax levy of school districts affected, and within such permissible maximum school tax levies as the General Assembly may hereafter determine.

162.435: The Board of Education shall cause to be made annually an audit of the building fund by a certified public ac-

countant and/or by an accountant approved by the State Department of Education.

162.440: The Board of Education of any city of the second class or of a county containing a city of the second class may, by resolution, establish a fund to be known as the "Insurance Fund" after written approval of the plan to administer said fund has been secured from the Superintendent of Public Instruction. The resolution shall state and fix the maximum limit of the fund. The fund shall be maintained separate from the other funds and moneys of the board, and shall be used exclusively for replacing or repairing any injury or destruction to any of the buildings owned by the board or to their contents when caused by fire, tornado, windstorm, cyclone, casualty, explosion, riot or flood, but not when caused by wear and tear or the natural processes of decadence or deterioration.

162.450: The Board of Education of a city of the second class, or of a county containing a city of the second class, may raise the maximum limit of the insurance fund from time to time as it deems best. Until the amount in the fund equals the maximum limit, the Board of Education shall each year, from the revenues under its control, set apart to the fund a sum equal to from one-twentieth to one-tenth of the maximum limit of the sum. When any portion of the fund is used, payments to restore the fund shall at once be begun and be continued until the restoration is complete. When the fund is, for any reason, below the maximum limit, the interest derived from the investment thereof shall be accumulated and added to the fund; otherwise the interest may be transferred to the general funds of the board.

162.460: The insurance fund shall be kept on deposit with the treasurer of the Board of Education, unless by order of the board it is invested in United States, State, County, or City bonds that are not payable from assessments, and are registered, if practicable. If the bonds are coupon bonds

they shall be kept deposited in a safe deposit vault and be opened only by the business manager or secretary of the board in the presence of a member of the board authorized to represent it. Every vote upon the use or investment of any portion of the fund shall be by call of the yeas and nays and the record shall show how each member voted.

162.480: When an injury occurs to any building, or its contents from fire, tornado, windstorm, cyclone, casualty, explosion, riot or flood, the business director or secretary of the Board of Education shall, within thirty days thereafter, prepare and file with the board a sworn written proof of loss, showing in detail the items of injury, and in detail an estimate of the extent of the financial loss and whether and to what extent the same is covered by insurance with the names of the companies, the number of the policies and names of the agents. Before the Board of Education may appropriate any portion of the insurance fund, a committee appointed by the board shall report to the board in writing, answering in detail the following questions and making such recommendations as they deem best:

1. What is the entire loss on the building? When and what caused it?

2. What deduction should be made for wear and tear and the natural processes of decadence or deterioration?

3. What portion of the loss proposed to be made good from this fund resulted from causes covered by this fund?

4. Will it be practicable to make the restoration from the general fund and the proceeds of any insurance policies without assistance from this fund?

5. If assistance is needed from this fund, how much? How will the portion so used be returned to the fund?

6. Does or does not the committee recommend an appropriation from this fund to aid in the restoration proposed? If so, how much?

WHEREAS it is necessary that county school budgets be prepared and submitted to the Fiscal Courts on or before March 20 for the fiscal year beginning July 1,

NOW, THEREFORE, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

S. Res. 32. Resolution favoring the establishment of a Game Management Area by the TVA on the Kentucky Reservoir.

Said resolution is as follows, viz:

WHEREAS, by reason of the absence of large water areas in Kentucky the development of migratory water fowl and the opportunity for the taking of wild ducks by sportsmen have been so limited as to place Kentucky in an unfavorable position among its neighboring states; and

WHEREAS, the establishment of a Game Management Area at the Kentucky Reservoir of the Tennessee Valley Authority will furnish an opportunity for the development of Kentucky in the field of wild life protection and conservation; and

WHEREAS, the establishment of a Game Management Area at the Kentucky Reservoir of the Tennessee Valley Authority will result in better management and control of migratory water fowl, NOW, THEREFORE,

Be it Resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

§ 1. That the United States Fish and Wild Life Service, being the Federal agency charged with the responsibility for the development and protection of migratory water fowl and being fully equipped and qualified to provide for such a development and protection of migratory water fowl, should be given authority by the Tennessee Valley Authority to operate a Game Management Area on the Kentucky Reservoir, in participation with the Tennessee Valley Authority and the Division of Game and Fish of the Department of Conservation of Kentucky.

§ 2. That the Tennessee Valley Authority and the Congress of the United States are urged to take all steps necessary to cause the establishment of a Game Management Area as above described.

§ 3. The Clerk of the Senate is directed to send a copy of this resolution to the President of the United States, to each Senator and Representative in Congress from Kentucky, to the United States Secretary of the Interior, and to the Tennessee Valley Authority.

Ordered that said bills and resolution be referred and printed.

Mr. Rhoads moved that the privilege of the floor be extended to Mr. Leo King of Henderson, former member of this House.

Said motion was agreed to.

Mr. Thomas moved that a bill entitled:

H. B. 306. An Act relating to publication of financial statements of governmental units.

Be made a Special Order of the Day, for Friday, February 25 at two-thirty o'clock P. M.

Said motion was disagreed to.

Mr. Halloham moved that a bill entitled:

H. B. 106. An Act relating to petty loans.

Be taken from the hands of the Committee on Kentucky Statutes, and advanced to a reading.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Hallohan and Thieman, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	W. N. Hughes	James T. Philpott
Henry Arrowood	W. H. Hunt	Edw. P. Prichard
W. G. Biggers	Lee Johnson	F. W. Schuhmann
Isaac Blevins	Paul S. Jonas	Leon J. Shaikun
Jno. W. Burkhart	Wm. E. Justice	Robt. J. Spaulding
C. D. Call	G. M. Knuckles	E. A. Spencer
Marvin Cornett	Homer E. Losey	Arthur Stallard
John P. Craig	Pearl McKinney	C. W. Taylor
Bernie S. Edlin	Ed Marcum	Egbert V. Taylor
J. D. Gross	Harry L. Moore	H. Thieman, Jr.
Jas. P. Hallahan	Herbert V. Moore	Otis C. Thomas
Claude Hammons	L. D. Moore	John L. Trumbo
B. C. Holbrook	Coy C. Nevitt	R. E. West
J. J. Huff	Sylvester Phillips	Taylor Witt

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Those who voted in the negative were—

F. H. Bassett, Jr.	Jno. H. Clarke, Jr.	Harry W. Ennis
Douglas T. Bolling	A. Roy Copeland	Chas. B. Gentry
J. C. Bradley	John Henry Cox	Franklin Goins
Chas. W. Burnley	Thos. S. Dawson	R. M. Hall
Fred Carpenter	Adron Doran	Benton Howard
Willis Champion	J. R. Dorman	Clyde S. Howard

Jerry F. Howell	H. C. Patterson	Jno. W. Simmons
H. Clay Kauffman	Albert W. Pfeiffer	Faust Y. Simpson
M. Kavanaugh	J. Gip Prather	Geo. W. Steinford
J. T. Linton	L. W. Preston	Joe Stewart
A. L. Love	Kleber F. Price	Thos. M. Swope
C. C. May	James E. Quill	Roy L. Taylor
J. Lee Moore	C. R. Reeves	E. B. Thompson
W. B. Moser	Wade H. Riley	S. J. Wagner
C. Sid Nabb	H. G. Royalty	Harry F. Walters
Jno. C. Newcomb	Amos Runyon	
Joe E. Nunn	Carl Scheben	—49

Mr. Simpson moved that the vote by which the House refused to take said bill from the hands of the Committee on Kentucky Statutes and advance same to a reading, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Standing Committees of the House to which the same had been referred, reported bills of the following titles, viz:

By Mr. Shaikun of the Committee on Cities of the First class.

H. B. 235. An Act pertaining to redevelopment corporations in cities of the First class, amending KRS 99.210 and 99.080, etc.

H. B. 236. An Act authorizing cities of the first class to regulate the parking of motor vehicles in the streets of such cities, etc.

By Mr. Copeland of the Committee on Railroads.

H. B. 289. An Act amending Sec. 433.400 KRS relating to Railroad property.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills and a resolution of the following titles, viz:

H. B. 317. An Act relating to public libraries.

H. B. 319. An Act to repeal and re-enact Sections 341.510 and 341.530 KRS, relating to Unemployment Compensation.

With Committee amendments thereto.

H. B. 329. An Act relating to the expenses of elections.

H. B. 332. An Act relating to members of the General Assembly.

H. Res. 32. A resolution establishing a Youth Guidance Commission.

H. B. 281. An Act amending and re-enacting Sec. 431.240 KRS relating to condemned criminals.

S. B. 85. An Act relating to the probate of wills and other members of the armed forces of the United States.

H. B. 165. An Act relating to minimum fair wages for women and minors.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The hour for the Orders of the Day in the Orders of Business, having arrived, the House took up for consideration the unfinished business of Friday, viz:

H. B. 35. An Act appropriating money for the operation, maintenance, etc. of the state government.

With various amendments thereto as adopted by the House.

Mr. Egbert V. Taylor moved that immediate consideration of said bill be postponed until tomorrow, when it shall be taken up for consideration as the first Order of Business when the hour for the Orders of the Day shall be reached.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hammons and Marcum, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	Jas. P. Hallahan	J. Lee Moore
Henry Arrowood	Claude Hammons	L. D. Moore
W. G. Biggers	B. C. Holbrook	Coy C. Nevitt
Isaac Blevins	J. J. Huff	Jno. C. Newcomb
Douglas T. Bolling	W. N. Hughes	Albert W. Pfeiffer
Fred Carpenter	W. H. Hunt	Sylvester Phillips
Willis Champion	Lee Johnson	James T. Philpott
Marvin Cornett	Wm. E. Justice	C. R. Reeves
Thos. S. Dawson	G. M. Knuckles	Wade H. Riley
Bernie S. Edlin	Homer E. Losey	Carl Scheben
Harry W. Ennis	Pearl McKinney	F. W. Schuhmann
Dr. J. C. Gabbard	Ed Marcum	Robt. J. Spaulding
Chas. B. Gentry	Harry L. Moore	E. A. Spencer
J. D. Gross	Herbert V. Moore	Arthur Stallard

C. W. Taylor	Otis C. Thomas	R. E. West
Egbert V. Taylor	E. B. Thompson	Taylor Witt
H. Thieman, Jr.	John L. Trumbo	—50

Those who voted in the negative were—

F. H. Bassett, Jr.	Jerry F. Howell	Kleber F. Price
J. C. Bradley	Paul S. Jonas	Edw. P. Prichard
Jno. W. Burkhart	H. Clay Kauffman	James E. Quill
Chas. W. Burnley	M. Kavanaugh	L. Allen Rhoads
C. D. Call	J. T. Linton	H. G. Royalty
Jno. H. Clarke, Jr.	A. L. Love	Amos Runyon
A. Roy Copeland	C. C. May	Leon J. Shaikun
John Henry Cox	Johnston Miller	Faust Y. Simpson
John P. Craig	W. B. Moser	Geo. W. Steinford
Adron Doran	C. Sid Nabb	Joe Stewart
J. R. Dorman	Joe E. Nunn	Roy L. Taylor
Franklin Goins	H. C. Patterson	S. J. Wagner
R. M. Hall	Chester Peterson	Harry F. Walters
Benton Howard	J. Gip Prather	Speaker Harry
Clyde S. Howard	L. W. Preston	Lee Waterfield

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The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 196. An Act to amend the Workmen's Compensation Law.

Mr. Shaikun moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 146. An Act to authorize State banks and trust companies to submit in lieu of annual examinations, certified

copies of a current Federal Deposit Insurance Corporation's complete record of examination etc.

Mr. Preston moved that said bill be recommitted to the Committee on Banks and Banking.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 76. An Act repealing, amending and re-enacting KRS 148.120 empowering the National Park Commission to condemn land for park purposes.

With a Committee amendment thereto.

Said bill is as follows, viz.

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 148.120 of the Kentucky Revised Statutes is amended to read as follows:

Commission may condemn property. (1) The commission may condemn land, caves, cave rights, leasehold interests and other real or personal property interest within areas designated by the United States for park sites. Condemnation proceedings shall be exercised as provided in KRS 416.010 to 416.080. No condemnation proceedings shall impose on the state any liability for which provision has not previously been made. The commission shall also pay the expenses of condemnation proceedings, judgments and awards in condemnation proceedings, and other expenses necessary to acquire property.

(2) The action shall be brought in the county court where the property lies by the Attorney General, and the

County Attorney of that county at the direction of the Attorney General shall assist in the prosecution of said action in the county and circuit courts.

(3) It shall not be mandatory for the commission to take the property at the price fixed by the jury or court judgment.

Said Committee amendment is as follows, viz:

Amend S. B. 76 in House on page 2, section 3, line 17 by adding after the word "Judgment" the following language "However, in case the Commission does not take the property, and perform all requirements of the judgment rendered by the court, then and in that event said Commission shall pay the property owner all expenses he may have incurred incident to the law suit, including Attorney's fees, and the property owner may have judgment in the original action upon filing proper proof thereof with the Court."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	J. C. Bradley	A. Roy Copeland
Henry Arrowood	Jno. W. Burkhart	Marvin Cornett
F. H. Bassett, Jr.	Chas. W. Burnley	John Henry Cox
W. G. Biggers	Fred Carpenter	John P. Craig
Isaac Blevins	Willis Champion	Adron Doran
Douglas T. Bolling	Jno. H. Clarke, Jr.	J. R. Dorman

Bernie S. Edlin	Ed Marcum	H. G. Royalty
Harry W. Ennis	C. C. May	Amos Runyon
Dr. J. C. Gabbard	Johnston Miller	Carl Scheben
Chas. B. Gentry	Harry L. Moore	F. W. Schuhmann
Franklin Goins	Herbert V. Moore	Jno. W. Simmons
J. D. Gross	J. Lee Moore	Faust Y. Simpson
Jas. P. Hallahan	L. D. Moore	George T. Smith
Claude Hammons	W. B. Moser	Robt. J. Spaulding
B. C. Holbrook	C. Sid Nabb	E. A. Spencer
Benton Howard	Coy C. Nevitt	Arthur Stallard
Clyde S. Howard	Jno. C. Newcomb	Geo. W. Steinford
Jerry F. Howell	H. C. Patterson	Joe Stewart
J. J. Huff	Chester Peterson	C. W. Taylor
W. N. Hughes	Albert W. Pfeiffer	Egbert V. Taylor
W. H. Hunt	Sylvester Phillips	Roy L. Taylor
Lee Johnson	James T Philpott	H. Thieman, Jr.
Paul S. Jonas	J. Gip Prather	Otis C. Thomas
Wm. E. Justice	L. W. Preston	E. B. Thompson
M. Kavanaugh	Kleber F. Price	John L. Trumbo
G. M. Knuckles	Edw. P. Prichard	S. J. Wagner
J. T. Linton	James E. Quill	Harry F. Walters
Homer E. Losey	C. R. Reeves	R. E. West
A. L. Love	L. Allen Rhoads	Taylor Witt
Pearl McKinney	Wade H. Riley	—89

There voted in the negative—

C. D. Call —1

Resolved that the title thereof be as aforesaid.

Mr. Hammons moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled: S. B. 44. An Act relating to trusts and trustees, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

"Any power which is exercisable by deed, by will, by deed or will, or otherwise, whether general or special, other than a power in trust which is imperative, is releasable by written instrument signed by the donee of the power and delivered as hereinafter provided. A power which is releasable may be released with respect to the whole or any part of the property subject to such power and may also be released in such manner as to reduce or limit the persons or objects, or classes of persons or objects, in whose favor such power would otherwise be exercisable. No release of a power shall be deemed to make imperative a power which was not imperative prior to such release, unless the instrument of release expressly so provides.

"Such release may be delivered to any of the following: (a) any person specified for such purpose in the instrument creating the power; (b) any trustee of the property to which the power relates; (c) any person, other than the donee of the power, who could be adversely affected by an exercise of the power; or (d) the recorder of deeds of the county in which the donee of the power resides or has a place of business, or in which the deed, will or other instrument creating the power is recorded, for recording in the office of such recorder."

Mr Kauffman moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	B. C. Holbrook	C. Sid Nabb
Henry Arrowood	Benton Howard	Coy C. Nevitt
F. H. Bassett, Jr.	Clyde S. Howard	Jno. C. Newcomb
Isaac Blevins	Jerry F. Howell	Joe E. Nunn
Douglas T. Bolling	J. J. Huff	H. C. Patterson
J. C. Bradley	W. N. Hughes	Chester Peterson
Jno. W. Burkhart	W. H. Hunt	Albert W. Pfeiffer
Chas. W. Burnley	Lee Johnson	Sylvester Phillips
C. D. Call	Paul S. Jonas	J. Gip Prather
Fred Carpenter	Wm. E. Justice	L. W. Preston
Willis Champion	H. Clay Kauffman	Kleber F. Price
Jno. H. Clarke, Jr.	M. Kavanaugh	Edw. P. Prichard
A. Roy Copeland	G. M. Knuckles	C. R. Reeves
John Henry Cox	J. T. Linton	L. Allen Rhoads
John P. Craig	Homer E. Losey	Wade H. Riley
Thos. S. Dawson	A. L. Love	H. G. Royalty
Adron Doran	Pearl McKinney	Amos Runyon
J. R. Dorman	Ed Marcum	Carl Scheben
Bernie S. Edlin	C. C. May	F. W. Schuhmann
Harry W. Ennis	Johnston Miller	Jno. W. Simmons
Dr. J. C. Gabbard	Harry L. Moore	Faust Y. Simpson
Chas. B. Gentry	Herbert V. Moore	Robt. J. Spaulding
Franklin Goins	J. Lee Moore	Arthur Stallard
J. D. Gross	L. D. Moore	Joe Stewart
Jas. P. Hallahan	W. B. Moser	Thos. M. Swope

C. W. Taylor	Otis C. Thomas	R. E. West	
Egbert V. Taylor	John L. Trumbo	Taylor Witt	
Roy L. Taylor	S. J. Wagner		
H. Thieman, Jr.	Harry F. Walters		—85

Resolved that the title thereof be as aforesaid.

Mr. Kauffman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled: S. B. 43. An Act prohibiting the purchase of its own shares by a fiduciary bank or trust company, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No bank or trust company empowered to act as a fiduciary under the laws of this State, shall purchase shares of its own capital stock or shares of the capital stock of an affiliated institution as an investment for any estate or trust under its management, unless expressly authorized so to do by the instrument creating the estate or trust, or unless acquired through the exercise of rights issued in respect to stock originally received; provided however, if shares of its own capital stock or shares of the capital stock of an affiliated institution are received by any such bank or trust company direct from the testator or donor, as an original investment in an estate or trust, the fact that they are shares in the fiduciary institution, or an affiliate thereof, shall not, of itself, be sufficient to cause them to be considered improper invest-

ments, regardless of the number of said shares or value thereof, but said shares together with any additional shares subsequently acquired through the exercise of rights issued in respect thereto shall be regarded as proper trust investments in the hands of such fiduciary bank or trust company, if they would be so regarded if held by an individual acting in such fiduciary capacity.

Mr. Kauffman moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	A. Roy Copeland	B. C. Holbrook
Henry Arrowood	John Henry Cox	Benton Howard
F. H. Bassett, Jr.	John P. Craig	Clyde S. Howard
Isaac Blevins	Thos. S. Dawson	Jerry F. Howell
J. C. Bradley	Adron Doran	J. J. Huff
Jno. W. Burkhart	J. R. Dorman	W. N. Hughes
Chas. W. Burnley	Bernie S. Edlin	Lee Johnson
C. D. Call	Dr. J. C. Gabbard	Paul S. Jonas
Fred Carpenter	Chas. B. Gentry	Wm. E. Justice
Willis Champion	Franklin Goins	H. Clay Kauffman
Jno. H. Clarke, Jr.	Jas. P. Hallahan	M. Kavanaugh

G. M. Knuckles	Albert W. Pfeiffer	Faust Y. Simpson
J. T. Linton	Sylvester Phillips	Robt. J. Spaulding
Homer E. Losey	James T. Philpott	E. A. Spencer
Pearl McKinney	J. Gip Prather	Arthur Stallard
Ed Marcum	L. W. Preston	Geo. W. Steinford
C. C. May	Kleber F. Price	Joe Stewart
Johnston Miller	Edw. P. Prichard	Thos. M. Swope
Harry L. Moore	James E. Quill	C. W. Taylor
Herbert V. Moore	C. R. Reeves	Egbert V. Taylor
J. Lee Moore	L. Allen Rhoads	Roy L. Taylor
W. B. Moser	Wade H. Riley	H. Thieman, Jr.
C. Sid Nabb	H. G. Royalty	John L. Trumbo
Jno. C. Newcomb	Amos Runyon	S. J. Wagner
Joe E. Nunn	Carl Scheben	Harry F. Walters
H. C. Patterson	F. W. Schuhmann	R. E. West
Chester Peterson	Jno. W. Simmons	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Kauffman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 252. An Act to provide for the creation, establishment, operation and maintenance of fire protection districts.

Mr. Dawson moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled: H. B. 199. An Act relating to the operation of games of chance, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to open, cause to be opened, carry on, conduct or operate as owner, proprietor or employ any gambling device or game of chance within the cofines of the grounds of the Kentucky State Fair. Any person who violates any provision of this section shall be fined not less than fifty dollars nor more than five hundred dollars for each offense. Each day in which a gambling device or game of chance is so operated shall be considered a separate offense.

§ 2. Section 247.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall have exclusive control of concessions, exhibitions, shows, entertainments and attractions at any place on the State Fair Grounds, but the board shall not allow the operation of any gambling device or game of chance therein. It may delegate such control to any of its employes or agents, or to an executive committee.

(2) The State Fair Board shall have a prior lien upon the property of any concessionaire, exhibitor or person, immediately upon its coming or being brought on the grounds, to secure existing or future indebtedness.

(3) Any designated employe or agent of the State Fair Board may sell the property to satisfy the indebtedness, after giving ten days' notice to the owner or agent of the owner

or, if notice cannot be given to the owner, after a notice is posted for ten days in the office of the State Fair Board on the grounds, announcing that the property is to be sold. The State Fair Board, through its designated agent, may bid and buy in the property offered for sale for the use and benefit of the State Fair.

Mr. Patterson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	John Henry Cox	W. N. Hughes
F. H. Bassett, Jr.	John P. Craig	W. H. Hunt
Isaac Blevins	Thos. S. Dawson	Lee Johnson
Douglas T. Bolling	Adron Doran	Wm. E. Justice
J. C. Bradley	Bernie E. Edlin	H. Clay Kauffman
Jno. W. Burkhart	Dr. J. C. Gabbard	M. Kavanaugh
Chas. W. Burnley	Chas. B. Gentry	J. T. Linton
C. D. Call	Franklin Goins	Homer E. Losey
Fred Carpenter	B. C. Holbrook	A. L. Love
Willis Champion	Benton Howard	Pearl McKinney
Jno. H. Clarke, Jr.	Clyde S. Howard	Ed Marcum
A. Roy Copeland	Jerry F. Howell	C. C. May

Johnston Miller	C. R. Reeves	Thos. M. Swope
Herbert V. Moore	L. Allen Rhoads	Egbert V. Taylor
J. Lee Moore	H. G. Royalty	Roy L. Taylor
W. B. Moser	Amos Runyon	Otis C. Thomas
C. Sid Nabb	F. W. Schuhmann	E. B. Thompson
Coy C. Nevitt	Leon J. Shaikun	John L. Trumbo
Joe E. Nunn	Jno. W. Simmons	S. J. Wagner
H. C. Patterson	Faust Y. Simpson	Harry F. Walters
Chester Peterson	Robt. J. Spaulding	Taylor Witt
Sylvester Phillips	E. A. Spencer	Speaker Harry
J. Gip Prather	Arthur Stallard	Lee Waterfield

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Those who voted in the negative were—

J. R. Dorman	Claude Hammons	Albert W. Pfeiffer
Jas. P. Hallahan	G. M. Knuckles	

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Resolved that the title thereof be as aforesaid.

Mr. Patterson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 249. An Act to amend Sec. 92.430 KRS relating to the procedure for assessing property for taxation in cities of the second class.

Said bill as as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) The assessor in each city of the second class shall assess in one book all property subject to city taxation, and in making the assessment for any year shall assess any property subject to taxation that he finds to have been omitted in any former year.

(2) On or before July 1 of each year the city assessor shall give notice, by advertisement in the official newspaper of the city and by handbills posted throughout the city, that all persons owning real estate on July 1 and all persons owning or having in their possession or under their control on July 1 any personal property subject to city taxation shall, before September 1, appear at the assessor's office and furnish him a true and complete list of the property, with its true cash values as of July 1, under oath, upon forms to be furnished by the assessor on application at his office, and that all merchants doing business in the city shall, in like manner, in addition to listing their personal property, state the highest amount in value of all merchandise owned or kept on hand for sale by them during the three months next preceding July 1. The Assessor and his deputies may administer oaths and examine any person on oath concerning his real and personal property and its form, and may examine merchants as to the statements required of them. The assessor may also gather information from other means.

(3) For the purpose of assessing property for taxation, the assessor shall keep his office open, with himself or a deputy in attendance, during the hours from 8 A. M. to 6 P. M., or such other or additional hours as are fixed by ordinance, from July 1 to September 1, except Sundays and legal holidays. The assessor shall constantly keep on hand, and furnish to persons lawfully requesting them, all necessary

blanks and forms for the lists and statements required by this section.

(4) If any taxpayer is an artificial person, its chief officer or agent in the city at the time shall perform the duties imposed upon the taxpayer by this section.

(5) On and after September 1 of each year and until the date fixed by ordinance for the closing of the assessment books, it shall be the duty of the assessor personally or through deputies to see in person or to call at the residence, usual place of abode or business place of all taxpayers who have not listed their property by appearing at the assessor's office for that purpose prior to September 1 or whose property is not well known to him, and the assessor or his deputies shall secure the assessment list by making such calls and shall view the property when practicable to do so.

(6) Any person who fails or refuses to supply the assessor or his deputies with a complete list of his property and the value thereon when called upon at his residence, usual place of abode or place of business may be subject to a fine to be fixed by ordinance but not exceeding Fifty and No/100 ($50.00) Dollars.

(7) On or before December 1 of each year the assessor shall return to the auditor his assessment books, certified by him to be a full, careful and honest assessment of all property in the city subject to assessment. He shall take the auditor's receipt therefor in duplicate, and shall transmit one of the duplicates to each board of the general council at its first regular meeting in December. The assessment books and reports shall remain in the auditor's office, subject to public inspection, until transmitted to the board of equalization.

Mr. Hammons offered the following amendment to said bill, viz.:

Amend H. B. 249 by adding the words "and third" after the word "second" wherever the words "second class" appear in said bill.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Harry W. Ennis	M. Kavanaugh
Henry Arrowood	Dr. J. C. Gabbard	G. M. Knuckles
F. H. Bassett, Jr.	Chas. B. Gentry	J. T. Linton
Isaac Blevins	Franklin Goins	Homer E. Losey
J. C. Bradley	J. D. Gross	A. L. Love
Jno. W. Burkhart	Jas. P. Hallahan	Pearl McKinney
Chas. W. Burnley	Claude Hammons	Ed Marcum
C. D. Call	B. C. Holbrook	C. C. May
Fred Carpenter	Benton Howard	Harry L. Moore
Willis Champion	Clyde S. Howard	Herbert V. Moore
Jno. H. Clarke, Jr.	Jerry F. Howell	J. Lee Moore
A. Roy Copeland	J. J. Huff	L. D. Moore
John Henry Cox	W. N. Hughes	W. B. Moser
John P. Craig	W. H. Hunt	C. Sid Nabb
Thos. S. Dawson	Lee Johnson	Jno. C. Newcomb
Adron Doran	Paul S. Jonas	Joe E. Nunn
J. R. Dorman	Wm. E. Justice	Albert W. Pfeiffer
Bernie E. Edlin	H. Clay Kauffman	Sylvester Phillips

James T. Philpott	Carl Scheben	Roy L. Taylor
J. Gip Prather	F. W. Schuhmann	H. Thieman, Jr.
L. W. Preston	Leon J. Shaikun	John L. Trumbo
Kleber F. Price	Faust Y. Simpson	S. J. Wagner
Edw. P. Prichard	Robt. J. Spaulding	Harry F. Walters
James E. Quill	E. A. Spencer	R. E. West
C. R. Reeves	Arthur Stallard	Taylor Witt
L. Allen Rhoads	Geo. W. Steinford	Speaker Harry
Wade H. Riley	Joe Stewart	Lee Waterfield
Amos Runyon	Thos. M. Swope	—81

Mr. Hammons offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 249 by adding after "cities of the second class" the words "and third class".

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Hammons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 181. An Act relating to Drainage Districts.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. At any time, twenty-five percent of the landowners, or the owners of twenty-five percent of the land, in a drain-

age district established under Chapter 268 of the Kentucky Revised Statutes, or under the Act of 1918 from which it came, may petition the county court for a discontinuation of the improvement. The petition shall give the names of all persons interested in the maintenance of the improvement and owning land in the district. The court shall place the petition upon the docket of the court that convenes not less than fifteen days after its filing, and shall issue notices and cause them to be served upon all parties interested, notifying them that the court will consider them at the next term. If no valid reason is shown against the discontinuance of the improvement, the court shall enter an order discontinuing it, after which it shall cease to be a public improvement. An appeal may be had from the order to the circuit court, as provided in the establishment of improvements.

§ 2. Subsection (2) of section 268.160 of the Kentucky Revised Statutes is amended to read as follows:

(2) The secretary shall give twenty days' notice in a newspaper published in each county where any part of the drainage district lies and by posting three notices in each precinct of the district, informing the owners of the district that they may vote for a drainage commissioner for each precinct and a secretary for the board and the district, within a stated time. The vote shall be taken by the owners filing a written designation of choice, together with the number of acres the voter owns in the district, or if benefits have been confirmed the amount of benefits assessed against the owner's land, with the county judge. Each acre owned and assessed in the district shall count one vote, or if benefits have been confirmed each one hundred dollars or fraction thereof in benefits assessed against the voters' land shall count one vote for secretary and drainage commissioner. The votes of the owners, when cast and filed with the county judge, shall be recorded by the secretary of the board in the drainage record

immediately after the expiration of the time for casting the vote. Votes shall be filed with the county judge by the first Monday in April for drainage commissioner and for secretary, for a term of two years beginning on the first Monday of May following. If there is a tie vote in any contest the judge of the county where the district has been established shall cast the deciding vote.

Mr. Simpson offered the following amendment to said bill, viz.:

Amend H. B. 181 on page 1, section 1, by striking out the first sentence of Section 1 and inserting in lieu thereof the following:

"In counties containing not more than one drainage district established under Chapter 268 of the Kentucky Revised Statutes, or under the Act of 1918 from which it came, twenty-five percent of the landowners, or the owners of twenty-five percent of the land, may, at any time petition the County Court for a discontinuation of the improvement."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. J. Huff	James T. Philpott
F. H. Bassett, Jr.	W. N. Hughes	J. Gip Prather
Isaac Blevins	W. H. Hunt	L. W. Preston
Douglas T. Bolling	Lee Johnson	Edw. P. Prichard
J. C. Bradley	Paul S. Jonas	James E. Quill
Jno. W. Burkhart	Wm. E. Justice	C. R. Reeves
Chas. W. Burnley	H. Clay Kauffman	Wade H. Riley
C. D. Call	M. Kavanaugh	H. G. Royalty
Fred Carpenter	G. M. Knuckles	Amos Runyon
Willis Champion	J. T. Linton	Carl Scheben
Jno. H. Clarke, Jr.	Homer E. Losey	F. W. Schuhmann
A. Roy Copeland	Pearl McKinney	Leon J. Shaikun
John Henry Cox	Ed Marcum	Jno. W. Simmons
John P. Craig	C. C. May	Faust Y. Simpson
Thos. S. Dawson	Johnston Miller	Robt. J. Spaulding
Adron Doran	Harry L. Moore	E. A. Spencer
Bernie S. Edlin	Herbert V. Moore	Arthur Stallard
Harry W. Ennis	J. Lee Moore	Geo. W. Steinford
Dr. J. C. Gabbard	L. D. Moore	Joe Stewart
Chas. B. Gentry	W. B. Moser	Thos. M. Swope
Franklin Goins	C. Sid Nabb	Egbert V. Taylor
J. D. Gross	Coy C. Nevitt	H. Thieman, Jr.
Jas. P. Hallahan	Jno. C. Newcomb	Otis C. Thomas
Claude Hammons	Joe E. Nunn	E. B. Thompson
B. C. Holbrook	H. C. Patterson	John L. Trumbo
Benton Howard	Chester Peterson	Harry F. Walters
Clyde S. Howard	Albert W. Pfeiffer	R. E. West
Jerry F. Howell	Sylvester Phillips	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. McKinney moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 260. An Act relating to State Parks.

Said bill is as follows, viz.:

Be it Enacted by the the General Assembly of the Commonwealth of Kentucky:

That the Division of Parks in the Department of Conservation is hereby authorized and it shall be its duty immediately upon the passage of this Act to open negotiations for the purpose of accepting as a gift to The Commonwealth of Kentucky, the Francis Berry house in Washington County, Kentucky, in which NANCY HANKS was living at the time of her marriage to Thomas Lincoln on June 12, 1806 and to move and erect the same in the Lincoln Homestead Park at Springfield, Washington County, Kentucky, so as to preserve it to posterity.

The sum of Forty Eight Hundred ($4800.00) Dollars is hereby appropriated for the purpose of removing, erecting and furnishing the said house in said Lincoln Homestead State Park. The said sum is to be paid out of the State Treasury to the Division of Parks, over and above its regular appropriation.

Mr. Royalty offered the following amendment to said bill, viz.:

Amend H. B. 260 on page 1, line 9 by striking out the words "The sum of Forty-eight Hundred ($4800.00) dollars" and inserting in lieu thereof the words "A sum not to exceed Forty-eight Hundred ($4800.00) Dollars."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson
F. H. Bassett, Jr.
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Chas. W. Burnley
C. D. Call
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson

Robt. J. Spaulding	Thos. M. Swope	John L. Trumbo
E. A. Spencer	C. W. Taylor	S. J. Wagner
Arthur Stallard	Egbert V. Taylor	Harry F. Walters
Geo. W. Steinford	H. Thieman, Jr.	R. E. West
Joe Stewart	Otis C. Thomas	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Royalty moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 287. An Act to provide for the establishment of gas and garbage disposal systems.

Mr. Burnley moved that said bill be recommitted

To the Committee on Ways and Means for the purpose of holding an open hearing.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 67. An Act relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that:

Section 1. "Taxpayer," as used herein, means any person made liable by law to file a return and pay a tax.

Secton 2. Any taxpayer may pay his State, county, or district taxes on or before November 1 after they become due in any year; and on such taxes that are paid on or before November 1 in any year, the taxpayer shall be entitled to two per cent (2%) discount, and the sheriff shall allow the discount and give the taxpayer a receipt for the taxes thus paid.

If the County Court Clerk fails in any year to make out and deliver to the sheriff or collector the book of tax bills and stubs as provided by Section 133.220, Kentucky Revised Statutes, on or before September 15 in each year, the taxpayer desiring to pay his taxes and obtain a two per cent (2%) discount thereon may estimate the amount of his taxes and make payment of the estimated amount to the sheriff, who shall receipt therefor. When the tax bills and stubs are received by the sheriff, if the amount of the tax bill as estimated by the taxpayer and so paid to the sheriff is less than the amount of the tax due and owing by the taxpayer, he shall nevertheless be credited with the two per cent (2%) discount on the amount paid and shall pay the balance of the tax bill; and upon payment of said balance, the sheriff shall give to such taxpayer a receipted bill. If the amount of tax estimated and paid by the taxpayer be in excess of the amount of his tax bill, the sheriff shall refund to the taxpayer on demand the excess payment.

The sheriff shall be credited in his settlement with any discounts taken by taxpayers under this Act. The sheriff shall not be required to account in his settlement for any excess paid to him by any taxpayer and refunded by the sheriff to the taxpayer.

Section 3. All laws and parts of laws in conflict herewith to the extent of such conflict only hereby are repealed.

S. B. 69. An Act relating to the duties of Mine Foreman.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 352.340 of Kentucky Revised Statutes be amended and re-enacted, so when said section is re-enacted, it shall read as follows:

352.340—*Examination of Mine by Mine Foreman or His Assistants; Removal of Dangers; Record.* The mine foreman or his assistants shall visit and carefully examine each working place in the mine each day or oftener while the mine employees are at work, and shall direct the miners so that each working place shall be secured by props or timbers where necessary; and on such visit, he shall inquire of the miner and obtain from him the number and kinds of timbers, props and caps that will be needed in said miner's working place for the next succeeding shift, and shall see that all such timbers, props and caps, so requisitioned, are delivered to his working place. He shall examine as live workings, on regular inspections, all places in live sections that are temporarily abandoned. If the mine foreman finds any place to be in a dangerous condition, he shall not leave the place until it is made safe, or until the employees working therein are removed until the place is made safe. He shall see that every mine liberating explosive gas is kept free of standing gas in all working places and roadways, and that all accumulations of explosive or noxious gases in the worked-out or abandoned portions of any mine are removed as soon as possible after discovery. He shall not allow any person who may be endangered by the presence of explosive or noxious gases to enter that portion of the mine until the gases have been removed. He shall direct and see that all dangerous places

and the entrances to worked-out places and abandoned places in all mines are properly fenced off across the openings, so that no person can enter, and that danger signals are posted upon the fencing to warn persons of existing danger. He shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss or any person working in the mine, and if it is impracticable to remove the danger at once he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous condition exists. He or his assistants shall, at least once every week, travel and examine all the air courses, roads and openings that give access to old workings or falls, and make a record of the condition of all places where danger has been found. The record shall be kept with ink or indelible pencil in the record book provided for that purpose.

S. B. 80. An Act to provide jurisdiction and supervision over privately owned airports etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the word "airport," as the word is used herein, shall be synonymous, with "landing field", or "aviation field", or "landing strip", and shall indicate and mean any place constructed for the landing or dispatch of machines or aircrafts in the navigation of the air, and which has been approved and designated for such purposes by The Kentucky Aeronautics Commission.

SECTION 2. Where airports have heretofore or may hereafter be established by any individual, partnership, or corporation organized for the purpose of establishing the

same, such individual, partnership, or corporation may, if he or it so desires, file an application with the State Aeronautics Commission, submitting to the jurisdiction thereof, and agreeing to comply with all the requirements, rules and regulations of the Kentucky Aeronautics Commission, authorized by Chapter 183 Kentucky Revised Statutes, with respect to publicly owned airports, and thereupon the Kentucky Aeronautics Commission shall cause said airport to be inspected, and if found to conform to the standards of public airports established under said Chapter, the Kentucky Aeronautics Commission shall then approve said application; and said airport shall be deemed to be established, and to be within the jurisdiction of said Kentucky Aeronautics Commission, to the same extent as public airports under said Chapter are so subject.

SECTION 3. The Kentucky Aeronautics Commission may, by resolution, reciting that any lands or property adjoining an airport is needed for purposes of establishing and maintaining an airport and facilities to provide for transportation by air, of passengers, express and mail, and to provide an airport and facilities for the use of the State or Federal Government, direct the condemnation of property. Whereupon, condemnation proceedings shall be conducted in the name of the Kentucky Aeronautics Commission at the expense of the individual, partnership, or corporation owning or operating said airport, and the procedure for condemnation shall conform to the procedure set out in KRS 416.120, but the Commission shall have no liability for the result of such proceedings, and all cost, expense, damages, and compensation awarded shall be paid by the owners or operators of such airport seeking to acquire title to said lands.

SECTION 4. Any airport operator within the jurisdiction of the Kentucky Aeronautics Commission, shall have the right to extend and improve any runway of such airport,

over and across any County Road, or passway not heretofore designated by the Kentucky State Highway Department as a part of the Primary Road System of the Commonwealth, in such manner as not unreasonably to obstruct by such construction, the passage of vehicles on such road or passway, and in the event any such runway is so extended or constructed, the public using such road shall be entitled to the same protection in the use of said road as in cases where public roads cross railroads; the operators of said airport at its expense shall restore to its former condition, as nearly as may be, any such road across which it has constructed its runway, to the full width of said runway, and at least 100 feet on each side thereof.

An automatic signal by bell or whistle upon said road, or passway, installed at least 50 rods from the said runway, which device shall ring or sound continuously or alternately, while any aircraft is using any part of said runway, shall be provided by the operator of said airport, and at its expense, it shall cause signal boards to be placed and constantly maintained on any such road or passway one hundred feet from the place where its runway crosses any such road, which boards shall be substantially supported, and shall be placed so as to be seen easily by travelers, and not to obstruct travel, and shall bear on each side in capital letters at least five inches high, the words "DANGER, AIRPORT CROSSING, STOP, LOOK AND LISTEN FOR AIRCRAFT"; provided that nothing herein shall allow the construction of any runway over any hard surfaced or improved highway, nor any road constituting a part of the Primary Road System of the State.

SECTION 5. Any airport Operator may condemn land adjoining any public road or highway in the State for landing strips, and the procedure in such cases shall be the same

as hereinabove provided, with respect to the condemnation of lands for airports.

S. B. 103. An Act relating to Inheritance Taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of Section 140.030 of the Kentucky Revised Statutes is amended to read as follows:

(2) The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), whether payable to a designated beneficiary or to the assured or his estate, shall be taxable as a part of the legacy as the distributable share of the beneficiary, except that the proceeds of an insurance policy payable to a designated beneficiary other than the assured or his estate, not to exceed ten thousand dollars in the aggregate, shall be tax-free. The tax-free portion shall be divided among the beneficiaries in proportion to the proceeds payable to each of them. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, shall be tax-free, and shall not be considered in determining the value of any taxable transfer.

§ 2. A new section of the Kentucky Revised Statutes is created to be numbered KRS 140.015 and to read as follows:

The payment of any gratuity pay, death compensation or

other award or benefit, by the Federal Government, to the surviving spouse or heirs of any person by reason or arising out of service by such person in the armed forces of the United States in time of war shall not be considered a taxable transfer within the meaning of this chapter, and the amount paid shall not be considered in determining the value of any taxable transfer.

§ 3. Whereas, it is essential that immediate relief be provided for the surviving spouse and children of the persons losing their lives in the service of our country, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bills be referred and printed.

And that they had passed bills which originated in this House entitled:

H. B. 186. An Act relating to toll bridges and ferries.

H. B. 38. An Act amending Sec. 256.010 of KRS.

With an amendment thereto as proposed and adopted by the Senate.

Ordered that H. B. 186, be delivered to the Enrolling Clerk of this House.

Ordered that H. B. 38, with Amendment thereto as proposed and adopted by the Senate, be laid on the Clerk's Desk.

Without objection, the following bills were introduced, viz.:

By Mr. Scheben

H. B. 344. An Act relating to compensation of circuit court reporters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.450 of the Kentucky Revised Statutes is amended to read as follows:

Reporters for circuit courts of continuous session, in counties having a population of less than 150,000 shall receive for their services in taking stenographic notes a salary of not less than twelve hundred dollars nor more than three thousand dollars per annum, to be fixed by the fiscal court and paid in monthly installments by the county. They shall receive for making transcripts thirty cents per page for original copies and twelve and one-half cents per page for each duplicate thereof. The pages shall average not less than thirty lines each. In civil actions the fees for making any transcript or duplicate shall be paid by the party upon whose motion the transcript or duplicate is made, such fees to be taxed as part of the costs in the action. In criminal cases the fees for making transcripts or duplicates shall be paid by the county in which the court is held, when the transcript or duplicate is made upon the motion of the Commonwealth. If the transcript or duplicate is made upon the motion of the defendant in a criminal case, he shall pay the fees therefor, unless the court is satisfied that he is unable to do so, in which event the fees shall be paid by the county.

By Mr. Scheben.

H. B. 345. An Act relating to the operation of Bingo games by charitable or religious organizations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The provisions of KRS 436.200 to 436.410 shall not apply to Bingo games operated by any charitable or religious organization, the entire proceeds of which are used solely for charitable or religious purposes and from which no promoter or other person derives any individual profit.

§ 2. Section 138.090 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 138.100 to 138.120 unless the context requires otherwise:

(1) "Bank night awards" means and includes any gift, prize, or award of cash given by lot, drawing or other method by places of amusement or entertainment or persons operating such places, but does not include any gift, prize or award given at a bingo game operated by any charitable or religious organization, the entire proceeds of which are used solely for charitable or religious purposes and from which no promotor or other person derives any profit.

(2) "Department" means the Department of Revenue.

(3) "Places of amusement or entertainment" means places of amusement or entertainment as defined in KRS 138.010.

(4) "Proprietor" means and includes any person who owns, operates or manages a place of amusement or entertainment.

By Mr. Quill.

H. B. 346. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In any action for the contest of any regular or primary election, or for a recount of the ballots in any such election, the validity of any ballot cast as an absentee voter's ballot may be questioned only on the ground that the procedure prescribed by statute for the casting of such ballot was not complied with.

By Mr. Dorman.

H. B. 347. An Act relating to clerk of police court in cities of second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 26.570 of Kentucky Revised Statutes, 1942 Edition, be amended and re-enacted, so that said section, when so amended and re-enacted, shall read as follows, to-wit:

"The police judge in cities of the second class may appoint a clerk of his court, who shall receive a salary fixed by ordinance at not less than six hundred dollars nor more than eighteen hundred dollars per annum.

"Upon appointment the clerk shall be eligible for classification under the City Civil Service law as provided in Chapter 90 of the Kentucky Revised Statutes, 1942 Edition, as are other city employees."

By Mr. Dorman.

H. B. 348. An Act relating to the compensation of county treasurers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 68.040 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the first or second class the salary of the county treasurer shall be such amount as is fixed by the fiscal court; in counties containing a city of the third class the salary of the county treasurer shall be fixed by the fiscal court at not more than $2,400 per annum; in all other counties the salary of the county treasurer shall be fixed by the fiscal court at not more than $2,000 per annum. The salary in each county shall be paid out of the county levy in equal monthly installments.

By Mr. Stallard.

H. B. 349. An Act relating to compensation of drivers of school buses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Each school district shall pay all school bus drivers employed by it a minimum salary of seventy-five dollars per month of service.

By Mr. Stallard.

H. B. 350. An Act to provide for the amendment of the Constitution of the Commonwealth through the enactment of a new section relating to the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended through the enactment of the following new section:

At the general election at which members of the House of Representatives are to be elected in 1945, and every four years thereafter, there shall be elected for four years one representative in every representative district.

§ 2. This amendment shall be submitted to the people in the manner provided by Section 256 and 257 of the Constitution of Kentucky and by Section 118.430 of the Kentucky Revised Statutes.

By Mr. Stallard.

H. B. 351. An Act relating to examination of applicants for motor vehicle operator's license.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) No applicant for an operator's license shall be required to take an examination if he was, prior to September 1, 1938, the holder of an operator's license issued under the law then in force.

(2) The Highway Patrol may examine every applicant for an operator's license except as otherwise provided in this section. The examination shall be held in the county where the applicant resides unless the applicant is granted written permission by the circuit clerk of the county in which he

resides, to take the examination in another county, and the Highway Patrol agrees to arrange for the examination in the other county. The examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning and directing traffic, and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(3) Any person whose operator's license is denied, suspended or revoked for cause, shall apply for reinstatement at the termination of the period for which the license was denied, suspended or revoked, by submitting to the examination.

(4) The holder of a license shall be entitled to a renewal without examination.

(5) The chief officer of the Highway Patrol may designate employes to examine applicants for operator's licenses.

By Mr. Stallard.

H. B. 352. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A tax of two cents per package shall be paid on the sale of cigarettes made of tobacco or any substitute for tobacco, this tax to be in addition to the tax provided by KRS 138.140. This tax shall be paid only once, regardless of the number of times the cigarettes may be sold in this state.

§ 2. The tax provided for in section one of this Act shall become effective July 1, 1944, and be in effect until June 30, 1947.

§ 3. The total income from the tax levied by this Act, less 10% which is appropriated to the Department of Revenue for administration, shall, as soon after June 30, 1947 as possible, be distributed equally among the men and women of the armed forces in the war declared December 8, 1941 who served outside the continental United States and who were residents of Kentucky at the time of their entry into service.

§ 4. The collection and enforcement of the tax provided for in this Act shall be administered by the Department of Revenue, in accordance with the methods provided by KRS 138.140 to 138.200, and KRS 138.500, for the collection and enforcement of the tax levied by KRS 138.140.

§ 5. Any person who violates any provision of this Act, or any reasonable rule or regulation promulgated by the Department of Revenue for the enforcement of this Act, shall be subject to the penalty provided by subsection (4) of section 138.990 of the Kentucky Revised Statutes of 1942.

By Mr. Hammons.

H. B. 353. An Act relating to the withdrawal of bank accounts by the surviving spouse of the deceased owner.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any bank in this state in which a married person has on deposit, at the time of his death, a sum not in excess of $750, may, subject to the provisions of KRS 140.250, permit the surviving spouse of such person, on furnishing to the bank proof that he or she is the surviving spouse and that no personal representative of the estate of the owner of the account has yet qualified, to withdraw the account in whole or in part, without first securing letters of administration. A

bank permitting such a withdrawal shall not be liable therefor to any personal representative subsequently qualified, or to any heir, devisee or creditor of the deceased.

By Mr. Carpenter.

H. B. 354. An Act relating to records and record books of county and quarterly court judges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 28.130 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The record books required by circuit and county clerks and by county and quarterly court judges, including all docket, judgment, minute and license books used by such officials, shall be paid for by the state upon order of the proper court.

§ 2. Section 25.470 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The judge of the quarterly court shall keep a record of all of his official acts out of term time, and shall keep a docket, order book and execution book, and shall fix a rule day for the return of process.

By Mr. Carpenter.

H. B. 355. An Act relating to stenographers for Commonwealths' Attorneys.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 110 of the Criminal Code of Practice is amended to read as follows:

That no person except the Commonwealth's and county attorneys and the witness under examination shall be present while the grand jury is examining a charge, and no person whatever while they are deliberating or voting on the charge, except that authority is hereby given to the Commonwealth's attorney to appoint a stenographer, who shall on order of the said Commonwealth's attorney, attend any session of the grand jury in any county of said district and be present during the examination of any witness or witnesses before the grand jury and shall make full and correct notes of the testimony of the witnesses, and, when ordered by the Commonwealth's attorney, shall transcribe same and deliver same to the Commonwealth's attorney, properly certified by said stenographer, and said transcript shall be kept by the said Commonwealth's attorney for his use; and said transcript may be introduced and used in court as competent and legal evidence for the purpose of contradicting any witness whose testimony was taken upon said hearing before said grand jury. For his services the stenographer for the Commonwealth's attorney, except as provided in KRS 69.100, shall be paid five dollars per day for attendance upon the grand jury and fifteen cents per 100 words for transcribing testimony, to be paid out of the State Treasury on certification by the circuit judge. Said stenographer shall be required, before entering upon these duties, to qualify by taking the oath required by all officers under the Constitution of Kentucky to faithfully discharge the duties as such, and said stenographer shall further be sworn not to disclose, or make known, directly or indirectly, to any person or persons, anything that occurred, was stated or given in the evidence, or transpired, bearing upon any case or investigation before the grand jury. Said stenographer shall make out a correct and full transcript of such testimony so taken, when directed to make same by the Commonwealth's attorney, and the same

shall be promptly delivered to the Commonwealth's attorney. Any person indicted by any grand jury for any crime or misdemeanor shall have a right to procure a copy of said stenographic record or any part thereof by paying the prescribed fee for said report.

By Mr. Carpenter.

H. B. 356. An Act relating to fees for jailers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.150 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) Jailers shall be paid out of the county treasury the following fees for the following services:

Attending county and quarterly courts, per day not exceeding $2.00

Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day 2.00

(2) Jailers shall be paid out of the State Treasury, except as provided in subsection (3) of this section, the following fees for the following services:

Each day's attendance upon the circuit court 2.00

Furnishing fuel, light and water to the circuit court, not exceeding, per day 2.00

Keeping and dieting a prisoner charged with a felony or contempt, per day 1.00

Putting a prisoner in irons, besides the cost of irons ..... .50

Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day ..... .75

Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court, per day 1.00

Imprisoning and releasing a prisoner ..... .60

(3) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(4). For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

By Messrs. Trumbo and Spaulding.

H. B. 357. An Act relating to Game and Fish, and fixing a bounty on blue-tailed hawks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A bounty of one dollar ($1.00) each shall be paid by the Division of Game and Fish on blue-tailed hawks killed during the months of May, June and July.

The terms and conditions upon which said bounty shall be paid shall be fixed by the Division of Game and Fish, and

shall be paid from funds derived from the sale of fishing and hunting licenses.

By Messrs. Trumbo and Spaulding.

H. B. 358. An Act relating to steel traps.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 150.400 Kentucky Revised Statutes be, and it is hereby repealed in its entirety.

By Mr. Dawson.

H. B. 359. An Act to empower and direct municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Definitions.* As used in this Act, unless the context otherwise requires:

(1) "Airport" means any publicly-owned area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

(2) "Airport hazard" means any overhead power line which interferes with radio communication between a publicly-owner airport and aircraft approaching or leaving same, or any structure or tree which obstructs the aerial approaches of such airport or is otherwise hazardous to its use for landing or taking-off.

(3) "Political subdivision" means any city or county.

(4) "Legislative body", in the case of a county, means the fiscal court.

(5) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke-stacks, and overhead transmission lines.

(6) "Tree" means any object of natural growth.

(7) "Ordinance", in the case of a county, means resolution of the fiscal court.

§ 2. *Airport Hazards Not In Public Interest.* It is hereby found and declared that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein, and is therefore not in the interest of the public health, public safety or general welfare.

§ 3. *Adoption of Airport Zoning Regulations.* (1) Every political subdivision may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for any airport within its jurisdiction, which regulations shall divide the area surrounding the airport into zones, and, within such zones, specify the land uses permitted, and regulate and restrict the height to which structures and trees may be erected or allowed to grow. In adopting or revising any such zoning regulations, the political subdivision shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain, the height of existing structures and trees

above the level of the airport, the possibility of lowering or removing existing obstructions, and the views of the agency of the Federal government charged with the fostering of civil aeronautics, as to the aerial approaches necessary to safe flying operations at the airport.

(2) In the event that a political subdivision has adopted, or hereafter adopts, a general zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations adopted for the same area or portion thereof under this Act, may be incorporated in and made a part of such general zoning regulations, and be administered and enforced in connection therewith, but such general zoning regulations shall not limit the effectiveness or scope of the regulations adopted under this Act.

(3) Any two or more political subdivisions may agree by ordinance duly adopted, to create a joint board and delegate to said board the powers herein conferred to promulgate, administer and enforce airport zoning regulations to protect the aerial approaches of any airport located within the corporate limits of any one or more of said political subdivisions. Such joint boards shall have as members two representatives appointed by the chief executive officer of each political subdivision participating in the creation of said board and a Chairman elected by a majority of the members so appointed.

(4) The jurisdiction of each political subdivision is hereby extended to the promulgation, administering and enforcement of airport zoning regulations to protect the approaches of any airport which is owned by said political subdivision but located wholly or partially outside the corporate limits of said political subdivision. In case of conflict with any airport zoning or other regulations promulgated by any other political subdivision, the regulations adopted pursuant to this subsection shall prevail.

(5) All airport zoning regulations adopted under this Act shall be reasonable, and none shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in Section 4 (1).

§ 4. *Permits and Variances.* (1) *Permits.* Where advisable to facilitate the enforcement of zoning regulations adopted pursuant to this Act, a system may be established by any political subdivision for the granting of permits to establish or construct new structures and other uses and to replace existing structures and other uses or make substantial changes therein or substantial repairs thereof. In any event, before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change or repair. No such permit shall be granted that would allow the structure or tree in question to be made higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted; and whenever the administrative agency determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, destroyed, deteriorated, or decayed: (a) no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and (b) whether application is made for a permit under this paragraph or not, the said agency may be appropriate action compel the owner of the non-conforming structure or tree, at his own expense, to lower, remove, reconstruct, or equip, such object as may be necessary to conform to the regulations or, if the owner of the non-conforming structure or tree shall neglect or refuse to comply with such order for 10 days after notice thereof, the said agency

may proceed to have the object so lowered, removed, reconstructed, or equipped and assess the cost and expense thereof upon the object or the land whereon it is or was located. Unless such an assessment is paid within 90 days from the service of notice thereof on the agent or owner of such object or land, the sum shall bear interest at the rate of 10 per cent per annum until paid, and shall be collected in the same manner as are general taxes. Except as indicated, all applications for permits for replacement, change or repair of non-conforming uses shall be granted.

(2) *Variances.* Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property, in violation of airport zoning regulations adopted under this Act, may apply to the Board of Appeals, as provided in Section 5 (3), for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Act.

(3) *Obstruction Marking and Lighting.* In granting any permit or variance under this Section, the administrative agency or Board of Appeals may, if it deems such action advisable to effectuate the purposes of this Act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain suitable obstruction markers and obstruction lights thereon.

§ 5. *Procedure.* (1) *Adoption of Zoning Regulations.* No airport zoning regulations shall be adopted, amended, or changed under this Act except by action of the legislative

body of the political subdivision in question, or the joint board provided for in Section 3 (3), after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which the airport is located.

(2) *Administration of Zoning Regulations—Administrative Agency.* The legislative body of any political subdivision adopting airport zoning regulations under this Act may delegate the duty of administering and enforcing such regulations to any administrative agency under its jurisdiction or may create a new administrative agency to perform such duty, but such administrative agency shall not be or include any member of the Board of Appeals. The duties of such administrative agency shall include that of hearing and deciding all permits under Section 4 (1), but such agency shall not have or exercise any of the powers delegated to the Board of Appeals.

(3) *Administration of Airport Zoning Regulations—Board of Appeals.* Airport zoning regulations adopted under this Act shall provide for a Board of Appeals to have and exercise the following powers:

(a) To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of this Act or of any ordinance adopted pursuant thereto;

(b) To hear and decide special exceptions to the terms of the ordinance upon which such Board may be required to pass under such ordinance;

(c) To hear and decide specific variances under Section 4 (2). Where a zoning board of appeals or adjustment already exists, it may be appointed as the Board of Appeals. Otherwise, the Board of Appeals shall consist of

five members, each to be appointed for a term of three years and to be removable for cause by the appointing authority upon written charges and after public hearing.

The Board shall adopt rules in accordance with the provisions of any ordinance adopted under this Act. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board, or bureau of the political subdivision affected, by any decision of the administrative agency. An appeal must be taken within a reasonable time, as provided by the rules of the Board, by filing with the agency from which the appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the agency from which the appeal is taken and on due cause shown.

The Board shall fix reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

The Board, may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

The concurring vote of a majority of the members of the Board shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

§ 6. *Judicial Review.* (1) Any person aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, or bureau of the political subdivision, may present to the circuit court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the Board.

(2) Upon presentation of such petition the court may allow a writ of certiorari directed to the Board of Appeals to review such decision of the Board. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

(3) The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient

to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(4) The court shall have exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the Board of Appeals. The findings of fact by the Board, if supported by substantial evidence, shall be accepted by the court as conclusive and no objection to a decision of the Board shall be considered by the court unless such objection shall have been urged before the Board, or if it was not so urged, unless there were reasonable grounds for failure to do so.

(5) Costs shall not be allowed against the Board of Appeals unless it appears to the court that it acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

§ 7. *Enforcement and Remedies.* Each violation of this Act or of any regulations, order, or ruling promulgated or made pursuant to this Act shall be punishable by a fine of not more than $500 or imprisonment for not more than 30 days or by both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense. In addition the political subdivision or agency adopting zoning regulations under this Act may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this Act, or of airport zoning regulations adopted under this Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Act and of

the regulations adopted and orders and rulings made pursuant thereto.

§ 8. *Acquisition of Air Rights.* In any case in which: (1) it is desired to remove, lower, or otherwise terminate a non-conforming use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this Act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or non-conforming use is located or the political subdivision owning the airport or served by it may acquire, by purchase, grant, or condemnation in the manner provided by KRS 416.010 to 416.080, or by KRS 416.120, such an air right, easement, or other estate or interest in the property or non-conforming use in question as may be necessary to effectuate the purposes of this Act.

By Mr. Justice.

H. B. 360. An Act pertaining to highways.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

1. In order to bring about proper coordination of the Engineering Division with the Maintenance Division and to avoid the unnecessary waste of gasoline, tires and man-hours of labor, the Department of Highways of this Commonwealth shall create and maintain an Engineering District within each Congressional District of Kentucky.

2. The Headquarters of each Engineering District and all clerical staff incidental thereto shall be housed adjacent to

the Maintenance Division Headquarters Garage and both shall be within the Engineering District so created.

3. There shall be a competent and experienced Highway Engineer in charge of each Engineering District and he shall maintain his office at the District Headquarters.

4. The numbers of the Engineering Districts of the Department of Highways to be created under this act shall correspond respectively with the Numbers of the Congressional Districts of this State.

5. Whereas, the present National Emergency requires that coordination of activities in the Department of Highways be effected forthwith, in order to preserve manpower and equipment, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Carpenter.

H. B. 361. An Act relating to service and compensation of circuit clerk as county law librarian.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 172.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The circuit clerk shall be ex officio librarian of the county law library, and he shall see that county and state officials have access to the library at reasonable hours each day except Sunday and holidays. He shall receive a salary of fifty dollars per month for his services as librarian, to be paid out of the State Treasury.

By Mr. Doran.

H. B. 362. An Act relating to public health.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Definitions. As used in this chapter, unless the context otherwise required:

(1) "Pharmacy" means every place where:

(a) Drugs are dispensed, or sold at retail, or displayed for sale at retail; or

(b) Where prescriptions are compounded; or

(c) Which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the term "pharmacists", "pharmacy", "apothecary", "drug", "drug store", "druggists", "drugs", "medicines", "medicine store", "drug sundries", "remedies", or any term of similar or like import, or any place with respect to which any of those terms are used in any advertisement or telephone directory listing; or

(d) Where the characteristic show bottles or colored globes are exhibited.

(2) "Drug" means every article, other than food and other than devices or their components, parts or accessories, that is:

(a) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; or

(b) Intended to affect the structure or any function of the body of man or other animals; or

(c) Intended for use as a component of any articles specified in paragraph (a) or (b) of this subsection.

(3) "Prescription" means an order written by a legally competent practitioner of medicine, dentistry or veterinary medicine, for the preparation and use of a drug.

(4) "Pharmacist" means any person who practices pharmacy, including a druggist, pharmaceutist or pharmaceutical chemist.

(5) "Poison" means any drug or chemical that according to standard medical works is liable to destroy adult human life in quantities of 60 grains or less, or any mixture or preparation containing 60 grains or less, a sufficient quantity of such drug or chemical as to make the same liable to be destructive to adult human life if 60 grains or less is taken.

Sec. 2. PHARMACISTS REQUIRED TO REGISTER. Except as provided in sections 22 to 25 of this chapter no person shall practice pharmacy or hold himself out as a pharmacist without being registered by the Kentucky Board of Pharmacy.

Sec. 3. PHARMACISTS REQUIRED TO OBTAIN PERMIT. No person shall open, establish, operate or maintain a pharmacy without obtaining a permit from the Kentucky Board of Pharmacy.

Sec. 4. PERSONS MANUFACTURING OR PREPARING DRUGS REQUIRED TO OBTAIN PERMIT. No person shall manufacture, make, produce, pack, package or prepare any drug for resale without obtaining a permit from the Kentucky Board of Pharmacy. The permit shall be subject to such rules and regulations with respect to sanitation and equipment as the Board may adopt from time to time for the protection of the public health and safety.

Sec. 5. WHOLESALERS, JOBBERS OR DISTRIBUTORS OF DRUGS REQUIRED TO OBTAIN PERMIT. No person shall sell, offer for sale, vend or distribute at wholesale or as a jobber, broker, agent or distributor or for resale in any manner in this state any drugs without obtaining a permit from the Kentucky Board of Pharmacy. The provisions of this section shall not apply to the retail sale of harmless drugs or medicines by retail grocery stores or general stores.

Sec. 6. PERMIT REQUIRED FOR AUCTION SALE OF DRUGS. No person shall sell or offer for sale at public auction or sell or offer for sale at private sale in a place where public auctions are conducted, any drugs without obtaining a permit from the Kentucky Board of Pharmacy. The permission of the Kentucky Board of Pharmacy shall be obtained in every instance where any of the products covered by this section are to be sold or offered for sale.

Sec. 7. PERMIT REQUIRED FOR DISTRIBUTION OF SAMPLES OF DRUGS. No person shall in any manner distribute or dispose of samples of any drugs, except to physicians, dentists, pharmacists and veterinarians for use in their professions, without obtaining a permit from the Kentucky Board of Pharmacy. The permission of the Kentucky Board of Pharmacy shall be obtained in every instance where any of the samples referred to in this section are to be distributed or otherwise disposed of. The permission shall cover such territory as is prescribed by the Board.

Sec. 8. PHARMACISTS MUST HAVE REGISTERED PHARMACIST IN CHARGE. Every pharmacy shall have a registered pharmacist on duty at all times, who shall be in charge of the pharmacy and who shall, in good faith, devote all of his time to the pharmacy.

Sec. 9. MANUFACTURE OR PREPARATION OF DRUGS TO BE UNDER SUPERVISION OF REGISTERED PHARMACIST OR OTHER APPROVED PERSON. No person shall manufacture, make, produce, package, pack or prepare any drugs except under the personal and immediate supervision of a registered pharmacist or such other person as may be approved by the Kentucky Board of Pharmacy after an investigation and a determination by the Board that he is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety.

Sec. 10. SALE OF DRUGS LIMITED TO PHARMACISTS; ACTUAL SALE MUST BE BY REGISTERED PHARMACIST. (1) Except as otherwise provided in this chapter the sale and distribution of drugs is limited to pharmacies operating under permits. The actual sale or distribution shall be made by a registered pharmacist or a person acting under his immediate personal direction and supervision, subject to the provisions of subsection (2) of this section.

(2) The sale of drugs that contain poisonous, potent or deleterious ingredients shall be made by a registered pharmacist only, and he shall make known to the purchaser, at the time of the sale, the nature of such drug.

(3) Drugs declared to be "dangerous drugs" by the Director of the Federal Security Agency, pursuant to the authority conferred upon him by the Federal Food, Drug and Cosmetic Act, shall be distributed or dispensed upon prescription only.

(4) It is further provided that nothing in this Act or any Act seeks to limit, restrict or prohibit the sale of harmless drugs and patent medicines in the original package by any store in the Commonwealth of Kentucky.

Sec. 11 PRESCRIPTIONS. (1) Prescriptions shall be compounded and dispensed by registered pharmacists only, and in a pharmacy operating under a permit.

(2) Every pharmacy shall preserve on file, for a period of five years, every prescription compounded or dispensed at the pharmacy. The file of prescriptions shall at all times during business hours be open to inspection by the members of the Kentucky Board of Pharmacy and the Department of Health, or their duly authorized representatives.

Sec. 12. POISONS—HOW TO BE SOLD—REGISTER KEPT. Except as provided in this section all poisons must be sold by a registered pharmacist in a pharmacy operating under a permit. No registered pharmacist shall sell at retail any poison without affixing to the bottle, box, vessel, or package containing the same, a label printed or plainly written containing the name of the article, the word "Poison" and the name and place of business of the seller with the common name of two or more readily accessible antidotes, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for a legitimate purpose and without advising the purchaser the poisonous character of the preparation sold. It shall be the further duty of any registered pharmacist selling or dispensing poisons which are known to be destructive to adult human life in quantities of 5 grains or less, before delivering them, to enter into a book kept for that purpose the name of the seller, the name and residence of the buyer, the name of the article, the quantity sold or disposed of and the purpose for which it is said to be intended.

This book of registry shall be known as the "poison register" and shall be preserved for at least five years after the date of the last entry made therein. Only the retail sale of poisons shall be registered in the poison register. The poison register shall at all times be open to the inspection of the

coroner of the County in which the same may be kept and to the inspection of members of the Kentucky Board of Pharmacy or its authorized agents.

The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses on physician's prescriptions nor to the sale to agriculturists and horticulturists of such articles as are commonly used by them as insecticides in the original package.

Sec. 13. EMMENAGOGUES OR ABORTIVES SOLD ON PRESCRIPTION ONLY. The following emmenagogues or abortives; tansy, pennyroyal, rue, savin, ergot, cotton root and their preparations, patent or otherwise or any new or used drug and their preparations that could produce abortions shall be sold only at retail or dispensed upon the original written prescription of a legally qualified physician, dentist or veterinarian. Said prescription shall be filled but once and of which no copy shall be taken by any person.

Sec. 14. KENTUCKY BOARD OF PHARMACY; ORGANIZATION; MEMBERSHIP. (1) There shall be a Kentucky Board of Pharmacy, consisting of five members appointed by the Governor from lists of names submitted by the Kentucky Pharmaceutical Association. The Board shall be a continuation of the Kentucky Board of Pharmacy created by Chapter 54 of the Acts of 1938, and the members of that Board shall continue in office until their respective terms expire.

(2) At its regular meeting each year, the Kentucky Pharmaceutical Association shall nominate and submit five qualified candidates from its membership. The Governor shall, before October 1 of each year, appoint one person from the names so submitted, but may reject any list and require the submission of other lists. The members appointed in 1944, 1945, 1946, 1947 and 1948 shall succeed the members of

the Board created by Chapter 54 of the Acts of 1938 whose terms expire in those years. The members thereafter appointed shall succeed those appointed under this chapter.

(3) Each member shall hold office for five years and until his successor is appointed and has qualified, unless sooner removed for cause. No member shall be reappointed within one year of the expiration of his term of office. Any vacancy that occurs in the Board created by this chapter or in the office of a member of the Board created by Chapter 54 of the Acts of 1938 shall be filled for the unexpired term by the Governor from the list of names last submitted.

(4) No person shall be appointed to the Board unless he is and has been for at least five years a registered pharmacist in this State, and unless he is actively engaged in a retail pharmacy. Not more than two members of the Board shall be residents of the same county.

Sec. 15. OFFICERS AND EMPLOYEES OF THE BOARD. The Kentucky Board of Pharmacy shall meet in January each year and organize by the election of a President, Vice-President and Executive Secretary-Treasurer, who shall serve for a term of one year and shall perform the duties prescribed by the Board. The President and Vice-President shall be elected from the members of the Board. The Executive Secretary-Treasurer need not be a member of the Board, but shall be a registered pharmacist. The Board may employ such investigators, chemist, agents and other assistants as it deems necessary to carry out the provisions of this chapter.

Sec. 16. MEETINGS OF THE BOARD. (1) The President of the Kentucky Board of Pharmacy shall preside at all of its meetings. In his absence or disability the Vice-President shall preside.

(2) The Board shall hold meetings for the examination of applicants for registration, to grant certificates of registration and permits, and for the transaction of such other business as may lawfully come before it biannually in such cities as the Board may select, and shall continue in session from day to day until its business is disposed of. Additional meetings may be called if deemed necessary by a majority of the members of the Board. Three members shall constitute a quorum. Due public notice of examination shall be given at least thirty days in advance of such examination.

Sec. 17. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the Kentucky Board of Pharmacy shall receive fifteen dollars for each day actually engaged in the service of the Board. Each member shall receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

Sec. 18. RULES AND REGULATIONS; REPORTS. The Kentucky Board of Pharmacy shall make such rules and regulations, consistent with law, as are necessary to carry out the purposes and enforce the provisions of this chapter. The Board shall make an annual written report to the Kentucky Pharmaceutical Association of its proceedings and of its receipts and disbursements, including a list of the names of all persons registered and a record of permits and renewals.

Sec. 19. POWER OF INSPECTION. The Kentucky Board of Pharmacy and its duly appointed agents may inspect in a lawful manner the drugs that are manufactured, packed, packaged, sold, offered for sale, exposed for sale or kept for sale in this state, and for this purpose may enter and inspect, during business hours, any place in this state where drugs are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, dispensed or kept for sale.

Sec. 20. EXECUTIVE SECRETARY-TREASURER OF THE BOARD; BOOKS AND RECORDS. The Executive Secretary-Treasurer of the Kentucky Board of Pharmacy shall be the executive officer in charge of the office of the Board. He shall make, keep and be in charge of all records and record books required to be kept by the Board, including a record of all registrations, and shall attend to the correspondence of the Board and perform such other duties as the Board may require, in keeping with the office of Executive Secretary-Treasurer. He shall receive and receipt for all fees collected and shall pay them over to the State Treasurer.

(2) The Executive Secretary-Treasurer shall give bond, in an amount fixed by the Board, for the faithful performance of the duties of his office. He shall receive such salary as the Board may determine. He shall be permitted such office help as is deemed necessary by the Board. He shall also receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

(3) The books, registers and records of the Board as made and kept by the Executive Secretary-Treasurer or under his supervision, subject to the direction of the Board, shall be prima facie evidence of the matter therein contained in any court of law.

Sec. 21. QUALIFICATIONS FOR REGISTRATION AS PHARMACISTS; EXAMINATION. (1) Except as provided in Sections 22 to 25 of this chapter, every applicant for registration as a pharmacist shall be not less than twenty-one years of age, a citizen of the United States, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university recognized and approved by the Kentucky Board of Pharmacy, and shall file proof satisfactory to the Kentucky Board of Pharmacy, substantiated by proper affidavits, of a minimum of one year of experience in a retail pharmacy, under the supervision of a

registered pharmacist, which experience shall be predominantly related to the selling of drugs and medical supplies, compounding prescriptions, preparing pharmacutical preparations and keeping records and making reports required by the State and Federal statutes.

(2) Except as provided in Sections 22 to 25 of this chapter, every applicant for registration as a pharmacist shall pass an examination given by the Kentucky Board of Pharmacy.

(3) Every license certificate shall have plainly written, printed or stamped upon its face the words: "Revocable for causes specified by law"; and "Awarded upon examination."

Sec. 22. PHARMACISTS REGISTERED UNDER FORMER LAWS. Persons who hold unexpired certificates of registration as pharmacists in this State granted under former laws, need not register under this chapter, but shall secure annual renewals as provided in this chapter, and in all other respects shall be amenable to the provisions of this chapter.

Sec. 23. PHARMACISTS REGISTERED IN OTHER STATES; RECIPROCITY. The Kentucky Board of Pharmacy may register as a pharmacist, without examination, upon payment of the fee prescribed by section 27, sub-section (2) of this chapter, any citizen of the United States who is duly registered by examination in any other state, that under like conditions, grants registration as a pharmacist without examination, to pharmacists registered by examination in this State. Before being registered the person must produce evidence satisfactory to the Board that he is possessed of good character and morals, and has had the secondary and professional education and training required of applicants for registration under this chapter, except that persons of good char-

acter and morals who were registered as pharmacists by examination in other states prior to the time this chapter became in force shall be required to satisfy only the requirements that existed in this State at the time they were registered.

Sec. 24. ASSISTANT PHARMACISTS. Persons who hold unexpired certificates of registration as assistant pharmacists, granted under former laws, shall continue to hold their status as registered assistant pharmacists, but shall be required to renew their certificate annually in the same manner as certificates of registered pharmacists are renewed. Persons who hold such certificates may be licensed to practice pharmacy as registered pharmacists upon passing an examination prescribed by the Kentucky Board of Pharmacy. Registered assistant pharmacists may have charge of a pharmacy during the temporary absence of the registered pharmacist, but such absence shall not be for a period longer than thirty days in any calendar year. Whenever such absence is for a period of twenty-four consecutive hours or longer, the proprietor, owner, manager or person in charge of the pharmacy shall immediately notify the Executive Secretary-Treasurer of the Kentucky Board of Pharmacy the number of days his store will be in charge of a registered assistant pharmacist and shall give the name of the assistant. This provision shall not be employed as a subterfuge or trick to defeat the requirement that all pharmacies be in charge of a registered pharmacist.

Sec. 25. CONDITIONS OF ISSUANCE OF PERMIT FOR PHARMACY; EQUIPMENT REQUIRED OF PHARMACIES. (1) No permit shall be issued for the conduct of a pharmacy except upon evidence satisfactory to the Kentucky Board of Pharmacy that:

(a) The pharmacy for which the permit is sought will be conducted in full compliance with the law and the rules and regulations of the Kentucky Board of Pharmacy;

(b) The location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety;

(c) The pharmacy will be constantly under the personal and immediate supervision of a registered pharmacist; and

(d) The person applying for the permit is qualified to conduct the pharmacy;

(e) All current permits must be conspicuously displayed visible to the general public.

(2) Every pharmacy must be equipped with proper pharmaceutical utensils so that perscriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The Kentucky Board of Pharmacy shall prescribe the minimum of such professional and technical equipment which a pharmacy shall at all times possess and such list shall include the latest revision of the United States Pharmacopoeia and the National Formulary, and all supplements to either of them. The premises of every pharmacy shall be equipped with proper sanitary appliances and kept in a clean and orderly manner. No permit shall be issued or continued for the conduct of a pharmacy unless the provisions of this subsection are compiled with.

Sec. 26. APPLICATION FOR REGISTRATION AND FOR PERMITS; FORMS; TIME. (1) Applications for registration as a pharmacist or for a permit required by sections 3 to 8 of this chapter shall be made on forms prescribed and furnished by the Kentucky Board of Pharmacy.

(2) Applications for registration as a pharmacist shall be filed with the Board at least ten days before any stated meeting of the Board at which examinations are to be held.

(3) Applications for a permit to open a new pharmacy shall be made at least thirty days before the pharmacy is to be opened for business.

Sec. 27. FEES, ORIGINAL AND RENEWAL. (1) Every application for registration as a pharmacist must be accompanied by an examination fee of not less than ten dollars nor more than twenty-five dollars, as the Board shall from time to time prescribe. Every registered pharmacist shall, between January 1 and March 1 of each year, pay a renewal fee of not more than six dollars, as the Board shall from time to time prescribe.

(2) Every application by a pharmacist registered in another state for registration as a pharmacist in this State shall be accompanied by a fee prescribed by the Board.

(3) Every registered assistant pharmacist shall, between January 1 and March 1 of each year, pay a renewal fee of not more than four dollars as the Board from time to time shall prescribe.

(4) All current renewals of registered pharmacists and registered assistant pharmacists must be conspicuously displayed visible to the general public.

(5) Every application for a permit required by sections 3 to 8 of this chapter and every application for a renewal thereof, shall be accompanied by the following fee:

(a) For the permit required by Section 3, not less than five dollars nor more than ten dollars, as the Board may determine.

(b) For the permit required by section 4, ten dollars.

(c) For the permit required by section 5, ten dollars.

(d) For the permit required by section 6, ten dollars.

(e) For the permit required by section 7, twenty-five dollars.

Sec. 28. DISPOSITION OF FEES. The Kentucky Board of Pharmacy shall each year, turn over to the Kentucky Pharmaceutical Association, for the advancement of the art and science of pharmacy, out of the annual renewal fees collected by the Board, the sum of two dollars for each registered pharmacist and assistant registered pharmacist who has paid his renewal fee during that year. All other fees shall be paid into the State Treasury and placed in a revolving fund to be spent by the Board of Pharmacy for the enforcement of this chapter.

Sec. 29. EXPIRATION AND RENEWAL OF REGISTRATIONS AND PERMITS. (1) All certificates of registration and all permits shall expire on December 31 following the date of issue, and shall be renewed annually. Application blanks for renewals of pharmacists registrations shall be mailed by the Board to each registered pharmacist and each registered assistant pharmacist in December each year.

(2) If the renewal fee for any pharmacist's certificate, the holder of which is actively engaged in the practice of pharmacy, is unpaid by March 1 of any year, the certificate shall be void, but the holder thereof may be reinstated as a registered pharmacist upon payment of a penalty of one dollar and all lapsed fees, unless he has failed to secure his annual renewal registration for a period of five consecutive years, in which case he shall not be entitled to renew his registration except upon payment of all back renewals and passing a satisfactory examination before the Kentucky Board of Pharmacy.

(3) Application blanks for renewal of permits shall be mailed by the Kentucky Board of Pharmacy to each permittee on or before November 1 of each year. If application for renewal is not made on or before the following December 1, the existing permit shall lapse and become void on the date

of its expiration and no new permit shall be granted except upon evidence satisfactory to the Board of good and sufficient grounds of failure to file the application for renewal within the time prescribed.

Any registered pharmacist or assistant registered pharmacist who leaves his occupation for full time active service in any recognized branch of this Nation's Armed Military Forces during the time of War, shall, upon presentation of suitable evidence to the Executive Secretary-Treasurer of the Kentucky Board of Pharmacy, be exempted from payment of the renewal fees required by section 27 of this chapter.

Sec. 30. SEPARATE PERMITS FOR EACH PLACE OF BUSINESS; PERMITS TO BE DISPLAYED; NON-TRANSFERABLE. Separate applications shall be made and separate permits issued for each separate place at which is carried on any of the operations for which a permit is required by sections 3 to 6 and 7 of this chapter. Each permit issued under this chapter shall be conspicuously exposed to the general public in the place for which it was granted. Permits shall not be transferable.

Sec. 31. REFUSAL, REVOCATION OR SUSPENSION OF REGISTRATIONS AND PERMITS. (1) The Kentucky Board of Pharmacy may, after notice and hearings as prescribed in section 32 of this chapter, refuse, revoke, or suspend the certificate of registration of any pharmacist when the Board finds that the certificate was obtained by fraudulent means, or when the registrant has been convicted of a felony, or of a violation of any statute enacted for the protection of public health; or is found by the Board to be guilty of gross immorality or to be addicted to the liquor or drug habit to such a degree as in the opinion of the Board renders him unfit to compound, sell or dispense drugs and medical supplies.

(2) The Board may, after notice and hearing as prescribed in section 32 of this chapter, refuse, revoke, or suspend any permit when the Board finds that the permit was obtained by fraudulent means, or that the operations for which the permit was issued or is applied for are not being conducted or will not be conducted according to law or are being so conducted as to endanger the public health or safety.

Sec. 32. HEARINGS. (1) The Kentucky Board of Pharmacy may, on its own motion or on a verified complaint, issue a notice to any registrant or permittee to show cause why his certificate or permit should not be suspended or revoked, or a notice to any applicant to show cause why his application for registration or for a permit should not be denied. The notice shall contain a copy of the charge and shall state the time and place at which the hearing is to be conducted. The date of the hearing shall not be less than ten days from the date the notice is received by the applicant, registrant or permittee.

(2) Members of the Board and its Executive Secretary-Treasurer may administer oaths and take evidence in any hearing conducted by the Board. The Board shall, at all hearings, receive the testimony of all witnesses and accept all documentary evidence relevant to the issue.

Sec. 33. APPEALS. Any person having an interest in the matter may, within thirty days of the effective date of the order, appeal from any order of the Board denying, revoking or suspending a certificate or permit, by filing a certified copy of the order in the Franklin County Circuit Court together with a bond approved by the Clerk to insure the payment of costs. The appeal shall be docketed and tried in the manner provided by law for equity cases. From the judgment of the Franklin County Circuit Court any party having an interest therein may appeal in the manner provided by law to the Court of Appeals.

Sec. 34. RELIEF BY INJUNCTION. The Kentucky Board of Pharmacy may, in addition to the criminal penalties prescribed for violating this chapter apply to a court having jurisdiction for an injunction to restrain repetitious violations of the provisions of this chapter.

Sec. 35. PENALTIES. Any person who violates any of the provisions of this chapter shall be fined not less than ten dollars for each violation and each day the violation continues shall constitute a separate and distinct offense. Upon conviction of a permittee, his permit may be revoked by the Kentucky Board of Pharmacy and become void, without notice of hearing.

Sec. 36. REPEALS. Sections 315.010, 315.020, 315.030, 315.040, 315.050, 315.060, 315.070, 315.080, 315.085, 315.090, 315.100, 315.110, 315.115, 315.210, 315.130, 315.140, 315.150, 315.160, 315.170, 315.180, 315.190, 315.210, 315.990 and 217.400, Kentucky Revised Statutes, 1942 edition are repealed.

Sec. 37. TIME OF TAKING EFFECT. This Act shall not become effective until January 1, 1945.

By Mr. Gross.

H. B. 363. An Act relating to fireworks.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, "fireworks" includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns

in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any fireworks containing any explosives or flammable compound, or any tablets or other device, containing any explosive substance.

§ 2. Except as provided in Section 3 of this Act, no person shall shoot, discharge or explode any fireworks in any church, school or public building or upon the grounds upon which a church, school or public building is located, or upon any public street or highway, or in any public place.

§ 3. The provisions of Section 2 of this Act shall not prevent public display of fireworks by fair associations, amusement parks or municipalities, or by any organization or group in connection with a bona fide patriotic celebration. Nor shall the provisions of Section 2 of this Act prevent the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports, or by any military organization.

§ 4. Any person who violates any of the provisions of Section 2 of this Act shall be fined not less than ten dollars nor more than one hundred dollars.

H. B. 364. An Act relating to Old Age Assistance.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The amount of old age assistance which shall be granted to any needy aged shall be determined with due re-

gard to the resources and requirements of the individual and the conditions existing in each case and shall be sufficient, when added to all other income and support available to the needy aged, to provide the needy aged with a reasonable subsistence compatible with decency and health.

(2) The amount of old age assistance determined in accordance with subsection (1) of this section shall not be less than the following amounts per month:

(a) Where the applicant is sixty-five years of age, but less than seventy, $15.00.

(b) Where the applicant is seventy years of age, but less than eighty, $20.00.

(c) Where the applicant is eighty years of age, or older, $30.00.

By Mr. Burnley.

H. B. 365. An Act relating to the operation of vehicles upon city streets.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.320 of the Kentucky Revised Statutes is amended to read as follows:

Any person having a license to operate a vehicle in the city in which he resides or has his principal place of business may also, for the purpose of doing business incidental to his principal business, operate the vehicle upon the streets of any other city without paying any additional license fee to such other city, but such license shall not authorize him to establish his principal place of business or conduct his principal business in any city except the one that granted his license.

By Mr. Cox.

H. B. 366. An Act relating to medical scholarships.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The State Board of Health may establish annual medical scholarships of the annual value of six hundred dollars each, which shall be awarded and paid subject to the following conditions and restrictions.

(1) Each applicant for any such scholarship shall be a bona fide resident of Kentucky. The awards shall be made upon such basis, competitive or otherwise, as may be determined by the State Board of Health, and each applicant shall possess the minimum qualifications required for entrance to an accredited medical school in Kentucky.

(2) Before any such scholarship is awarded, the applicant shall sign a written contract under the terms of which he agrees to pursue the medical course of an accredited medical college located within Kentucky until his graduation, and after graduating and completing a term of not exceeding two years as an interne at some approved hospital, to engage continuously in the general practice of medicine in a rural community in Kentucky, selected by the State Board of Health, for a period of years equal in number to the years that he has been or shall be a beneficiary of any such scholarship or scholarships. The contract shall provide that the applicant shall repay to the fund herein provided for all amounts received by him as a beneficiary of such awards. The contract shall contain such other provisions as may be necessary to accomplish the purposes of the scholarships.

(3) As further evidence of the promise of the recipient to make such repayment, as to each scholarship awarded

him, in the event he shall fail or refuse to fulfill the conditions and requirements herein specified as to such scholarship, he shall, when such scholarship is awarded, be required to execute and deliver to the State Board of Health a note in the principal sum, of six hundred dollars, which note shall be accepted by the State Board of Health upon the conditions specified in the note, which note shall not bear interest until the lapse of at least three years after the recipient completed his interneship, except in case of breach of any of the conditions under which the loan or loans are made in which case the note or notes shall become immediately due and payable, provided, however, that no recipient of any such scholarship shall be permitted to plead the statute of limitations or interpose a plea of infancy in the event of an action being brought against him for any such note.

(4) Each recipient, when such scholarship is awarded, shall be required to insure his life, for the benefit of the State Board of Health, in a sum at least equal to the value of each scholarship awarded him, the insurance policy to contain a specific provision that the beneficiary shall not be changed without consent of said beneficiary. Upon cancellation of each note executed by the recipient as hereinbefore provided, the beneficiary shall consent to such change in the beneficiary of the corresponding insurance policy as may be designated by the recipient. Upon the failure of the recipient to discharge his obligation either by service or payment as herein required, or by reason of his death or any other cause, the policy and any and all proceeds derived therefrom shall become the property of the beneficiary. All premiums on the insurance policy shall be paid by the recipient of the scholarship. Provided, however, if the recipient during his medical course become noninsurable, the State Board of Health may continue the loan upon such conditions as it deems proper.

(5) All money repaid by recipient, and all proceeds derived by the beneficiary from such insurance policies, shall be

placed in the fund which is used for medical scholarships in accordance with the provisions of this act.

(6) Each such scholarship shall be awarded for a single year, but the same student shall, after making satisfactory progress toward his degree in the discretion of the State Board of Health, receive such award for any succeeding year, provided no student shall receive any such scholarship for more than a total of four years.

(7) The funds making up each scholarship shall be paid to the recipient thereof, or applied to the payment of his expenses at the medical school, in such amounts and at such times during such school year as may be determined by the State Board of Health; provided, however, that no recipient shall receive for any scholarship less than six hundred dollars.

§ 2. In order to provide funds necessary to carry out the provisions of this act, there is hereby appropriated to the State Board of Health, out of the funds in the State Treasury, the sum of twenty-five thousand dollars to carry out the provisions of this Act, which sum shall be placed in a special fund which shall be known as the "Medical Scholarship Fund."

By Messrs. Quill and Wagner.

H. B. 367. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person holding a distiller's, rectifier's, blender's or vintner's license under KRS 243.030 shall sell distilled spirits or wine to a wholesaler, as defined in KRS 243.010, or for export out of this state, or to another distiller, rectifier,

or blender, except with the permission of the Alcoholic Beverage Control Board. The board shall have authority to prescribe the amount of distilled spirits or wine that may be sold to any one wholesaler, or that may be sold for the purpose of rectifying or blending, or that may be sold for export out of this state, except that such authority shall not be so exercised as to prevent the reasonably prompt disposition of products which the distiller, rectifier, blender or vintner desires to sell. The authority shall be so exercised as to provide for an equitable and ratable distribution of distilled spirits and wine supplies throughout the state. The board shall refuse permission for any sale unless it is satisfied that the sale will not violate or result in a violation of the price ceilings fixed by the O.P.A. or similar federal agency.

§ 2. No wholesaler licensed under KRS 243.030 shall sell distilled spirits or wine to a retailer, or to a person outside this state, except with the permission of the Alcoholic Beverage Control Board. The board shall have the same powers with respect to sales by wholesalers as are granted to the board by section 1 of this Act with respect to sales by distillers, rectifiers, blenders and vintners.

§ 3. In issuing permits under KRS 243.680 and 243.690, for the manufacture, blending, rectifying or mixing of distilled spirits, the Department of Revenue shall have authority to so restrict the number of proof gallons of distilled spirits that may be blended, rectified or mixed as to insure at all times a proper proportionate supply of straight whiskeys. The department may deny any permit for rectifying, blending, or mixing of distilled spirits where the granting of such permit, in the opinion of the department, would result in the production of an amount of blended, rectified or mixed spirits out of proportion to the average proportion of such spirits to straight whiskeys produced during the period from 1934 to 1941.

§ 4. Any person who violates any of the provisions of this Act shall be fined not less than five hundred dollars nor more than five thousand dollars. Any violation of any of the provisions of this Act shall also constitute grounds for revocation of the license of the violator.

By Mr. Waterfield.

H. Res. 48. A JOINT RESOLUTION authorizing E. S. Hicks, Fulton, Kentucky, to sue the Commonwealth of Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That, E. S. Hicks, Fulton, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Fulton Circuit Court for property damage caused by the alleged negligence on the part of the Department of Highways and its employes in the construction of a highway.

Said suit shall be in a sum not to exceed five hundred dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall

not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

By Mr. Losey.

H. Res. 49. A JOINT RESOLUTION authorizing the payment of witness claims allowed by the Pulaski Circuit Court, to Cundiff Bros., Somerset, Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Cundiff Bros., of Somerset, Kentucky, is now the owner of witness claims allowed in the Pulaski Circuit Court at the May, 1942 term, in the total amount of eighteen dollars.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Cundiff Bros., Somerset, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being eighteen ($18.00) dollars, is hereby appropriated out of the General Fund for that purpose.

By Mr. Howard.

H. Res. 50. A JOINT RESOLUTION authorizing the payment of witness claims allowed by the Breathitt Circuit Court, to Maude Bailey, of Lost Creek, Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Maude Bailey, of Lost Creek, Kentucky, is now the owner of witness claims allowed in the Breathitt Circuit

Court at the February, 1941 term, in the total amount of four hundred and forty-seven dollars and ninety-six cents.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Maude Bailey, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being four hundred and forty-seven dollars and ninety-six cents ($447.96), is hereby appropriated out of the General Fund for that purpose.

Ordered that said bills be referred and printed.

Mr. Bolling moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 24, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Father Joseph O'Dwyer of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Isaac Blevins	Chas. W. Burnley
Henry Arrowood	Douglas T. Bolling	C. D. Call
F. H. Bassett, Jr.	J. C. Bradley	Fred Carpenter
W. G. Biggers	Jno. W. Burkhart	Willis Champion

Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill moved that when the House adjourns on Friday, February 25, it adjourn to meet again on Monday, February 28, at 7:30 P. M.

Said motion was disagreed to.

Mr. Cox moved that a bill entitled:

H. B. 182. An Act relating to Fish and Game.

Which was reported by the Committee on Fish and Game, on February 9, without an expression of opinion.

Be taken from the Clerk's Desk and advanced to a reading.

Said motion was agreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Hammons moved that a bill entitled:

H. B. 253. An Act to create a State-owned wholesale liquor corporation etc.

Be taken from the hands of the Committee on Alcohol and Liquor Control

And advanced to a reading.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hammons and Champion, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Marvin Cornett	Dr. J. C. Gabbard
Henry Arrowood	John P. Craig	Chas. B. Gentry
F. H. Bassett, Jr.	Thos. S. Dawson	J. D. Gross
Isaac Blevins	Bernie S. Edlin	R. M. Hall
Willis Champion	Harry W. Ennis	Jas. P. Hallahan

Claude Hammons	L. D. Moore	George T. Smith
B. C. Holbrook	W. B. Moser	E. A. Spencer
J. J. Huff	Coy C. Nevitt	Arthur Stallard
W. N. Hughes	Joe E. Nunn	Thos. M. Swope
W. H. Hunt	Albert W. Pfeiffer	C. W. Taylor
Lee Johnson	Sylvester Phillips	Egbert V. Taylor
Wm. E. Justice	James T. Philpott	H. Thieman, Jr.
G. M. Knuckles	J. Gip Prather	Otis C. Thomas
Homer E. Losey	C. R. Reeves	E. B. Thompson
Pearl McKinney	H. G. Royalty	John L. Trumbo
Ed Marcum	Amos Runyon	R. E. West
Harry L. Moore	F. W. Schuhmann	Taylor Witt
Herbert V. Moore	Vernon Seaton	—53

Those who voted in the negative were—

W. G. Biggers	Clyde S. Howard	Edw. P. Prichard
Douglas T. Bolling	Jerry F. Howell	James E. Quill
J. C. Bradley	Paul S. Jonas	L. Allen Rhoads
Jno. W. Burkhart	H. Clay Kauffman	Wade H. Riley
Chas. W. Burnley	M. Kavanaugh	Carl Scheben
C. D. Call	J. T. Linton	Leon J. Shaikun
Fred Carpenter	C. C. May	Faust Y. Simpson
A. Roy Copeland	Johnston Miller	Geo. W. Steinford
John Henry Cox	J. Lee Moore	Joe Stewart
Fred Creasey	C. Sid Nabb	S. J. Wagner
Adron Doran	Jno. C. Newcomb	Harry F. Walters
J. R. Dorman	H. C. Patterson	Speaker Harry
Franklin Goins	Chester Peterson	Lee Waterfield
Benton Howard	Kleber F. Price	—40

Thereupon said bill was read the first time at length and ordered to be placed on the Calendar.

The Standing Committees of the House to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Prichard of the Committee on Alcohol and Liquor Control No. 1.

H. B. 305. An Act relating to alcoholic beverages.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 367. An Act relating to alcoholic beverages.

H. B. 322. An Act imposing a tax on the privilege of possessing distilled spirits through storage in charred oak barrels in bonded warehouses.

By Mr. Quill of the Committee on Revenue and Taxation.

H. B. 30. An Act to provide for an exception to the limitation on ad valorem taxes for the financing of tubercular institutions in legally established tubercular districts.

H. B. 206. An Act relating to the taxation of the shares of stock of corporations.

With a committee amendment thereto by way of Substitute therefor.

By Mr. Runyan of the Committee on Education No. 2.

H. B. 313. An Act relating to the teaching of the conservation and preservation of natural resources in the public schools of Kentucky.

With a Committee Amendment thereto.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 284. An Act to provide for the supervision, regulation and control of intrastate transportation of persons and property by aircraft for hire, etc.

H. B. 315. An Act relating to revenue and taxation.

H. B. 325. An Act relating to the payment of jurors.

H. B. 303. An Act relating to reports on state employes and officers, for members of the General Assembly.

H. B. 307. An Act relating to the public welfare, comfort, health and safety etc.

With a Committee amendment thereto.

By Mr. Roy L. Taylor of the Committee on Insurance, Life and Casualty.

H. B. 320. An Act relating to insurance policies.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Ennis, of the Committee on Fish and Game.

S. B. 27. An Act relating to Game and Fish.

With Committee Amendments thereto.

Without an expression of opinion.

No motion having been made to advance said bill to a reading, it was ordered that said bill be not read at length the first time.

Ordered that said bill be placed on the Clerk's Desk.

By Mr. Hall of the Committee on Motor Transportation.

H. B. 326. An Act to require the construction of sheds or other structures for the protection of workmen employed by common carriers.

With the expression of opinion that said bill ought not to pass.

No motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding and no further action having been taken by the House on said bill, it was ordered that said bill be not read at length the first time, and so said bill was rejected.

Mr. J. Lee Moore of the Contest Committee heretofore selected by this House in accordance with the provisions of the Constitution and Statutes of this Commonwealth to hear the contest and to determine the right to a seat in this House from the Thirty-sixth Legislative District of the City of Louisville in the case of Hamilton versus Theiman, offered the following report:

REPORT OF COMMITTEE ON THE CONTEST OF THE ELECTION OF HENRY THEIMAN, JR.

The Contest Committee of the House of Representatives of the Commonwealth of Kentucky selected to hear and consider the contest of the election of Henry Thieman, Jr., filed by Allen Scott Hamilton, after first being duly sworn, met in the Capitol Building, House of Representatives, Frankfort, Kentucky on the Fifth day of January, 1944 and took under consideration the above mentioned contest.

Said Committee, after considering the notice of contest filed by the Contestant, Allen Scott Hamilton, with the agreement of the counsel for Contestant and Contestee, employed the Honorable Cyril C. Sehlinger of Louisville, Kentucky, as

Commissioner for the purpose of counting the ballots of the election unit of said contested election and to report his findings to this Committee, and after considering the report filed by said Commissioner and after carefully examining the ballots challenged by Contestant and Contestee, and hearing the attorneys for Contestant and Contestee, the Committee unanimously find that the Contestee, Henry Thieman, Jr., is the duly qualified and elected representative of that part of the City of Louisville, Jefferson County, Kentucky, composing the Thirty-Sixth Legislative District, and that he should retain his seat in the House of Representatives of the General Assembly of the Commonwealth of Kentucky.

For further report said Committee recommends that the costs of the contest should be paid by the Commonwealth of Kentucky including an attorney's fee of $100.00 to the attorney representing the Contestant and an attorney's fee of $100.00 to the attorney representing the Contestee, said costs shall not include any fee for the observers for the respective parties.

For further report the Committee recommends that the General Assembly of the Commonwealth of Kentucky at its present session pass a Resolution embracing the attorneys' fees heretofore mentioned and all other costs incident to said contest.

The undersigned members of said Committee recommend that the House approve this report this February twenty-fourth, 1944.

J. Lee Moore
L. D. Moore
Benton Howard
Kleber F. Price
Carl Scheben
Johnston Miller
Joe E. Nunn
Charles B. Gentry
Willis Champion

Mr. J. Lee Moore moved that said report be adopted and approved by this House.

Said motion was agreed to.

Said report was then approved and adopted.

Thereupon the Speaker declared the said Henry Theiman, Jr. from the Thirty-sixth Legislative District of the City of Louisville to be duly and regularly a member of this House and entitled to all the rights and privileges of this House.

The Speaker announced that he had referred bills heretofore introduced or reported to this House, as follows, viz.:

H. B. 337. Ways & Means

H. B. 338. Ways & Means

H. B. 339. Ky. Statutes

H. B. 340. Fish & Game

H. B. 341. Ways & Means

H. B. 342. Ky. Statutes

H. B. 343. Cities of 3rd Class

H. B. 344. Ways & Means

H. B. 345. Ways & Means

H. B. 346. Ways & Means

H. B. 347. Cities 2nd Class

H. B. 348. Ways & Means

H. B. 349. Education No. 1

H. B. 350. Constitutional Amendments

H. B. 351. Ways & Means

H. B. 352. Revenue & Taxation

H. B. 353. Ways & Means

H. B. 354. Courts

H. B. 355. Courts

H. B. 356. Ways & Means

H. B. 357. Fish & Game

H. B. 358. Fish & Game

H. B. 359. Ways & Means

H. B. 360. Roads & Highways No. 1

H. B. 361. Constitutional

H. B. 362. Ky. Statutes

H. B. 363. Military Affairs

H. B. 364. Ways & Means

H. B. 365. Ways & Means

H. B. 366. Ways & Means

H. B. 367. Ways & Means

S. B. 61. Courts

S. B. 96. Education No. 1

S. B. 67. Revenue & Taxation

S. B. 69. Mines & Mining

S. B. 80. Ways & Means

S. B. 103. Ways & Means

S. B. 88. Ways & Means

S. B. 97. Ways & Means

S. Res. 32. Ways & Means

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 235. An Act pertaining to redevelopment corporations in cities of the first class, amending KRS 99.210 and 99.080, etc.

H. B. 236. An Act authorizing cities of the first class to regulate the parking of motor vehicles in the streets of such cities, etc.

H. B. 289. An Act amending Sec. 433.400 KRS relating to Railroad property.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The hour for the Orders of the Day, having arrived the House took up for consideration a bill entitled:

H. B. 35. An Act appropriating money for the operation, maintenance, etc. of the state government.

With amendments thereto as adopted by the House.

(For bill and amendments heretofore adopted by the House, see House Journal of February 18)

Mr. Egbert V. Taylor moved that the vote by which Amendment No. 31 was adopted, be reconsidered.

It being noted that the Minutes and the Journal of the House do now show that the clincher motion was applied to the vote by which said amendment was agreed to,

Mr. Copeland moved that the Rules of this House be suspended for the purpose of correcting the Minutes and the Journal to show that the clincher motion was applied to the vote by which said amendment was agreed to.

Said motion was disagreed to, having failed to receive a majority necessary for a suspension of the Rules.

The yeas and nays being required thereon by Messrs. Hammons and Love, were as follows, viz.:

Those who voted in the affirmative were—

Douglas T. Bolling	Jerry F. Howell	James E. Quill
J. C. Bradley	Paul S. Jonas	C. R. Reeves
Jno. W. Burkhart	H. Clay Kauffman	L. Allen Rhoads
Chas. W. Burnley	M. Kavanaugh	Wade H. Riley
C. D. Call	J. T. Linton	H. G. Royalty
Fred Carpenter	A. L. Love	Amos Runyon
Jno. H. Clarke, Jr.	C. C. May	Leon J. Shaikun
A. Roy Copeland	Johnston Miller	Jno. W. Simmons
John Henry Cox	W. B. Moser	Faust Y. Simpson
Fred Creasey	C. Sid Nabb	Geo. W. Steinford
Adron Doran	Joe E. Nunn	Joe Stewart
J. R. Dorman	H. C. Patterson	Thos. M. Swope
Harry W. Ennis	Chester Peterson	Roy L. Taylor
Franklin Goins	J. Gip Prather	S. J. Wagner
R. M. Hall	L. W. Preston	Harry F. Walters
Benton Howard	Kleber F. Price	Speaker Harry
Clyde S. Howard	Edw. P. Prichard	Lee Waterfield

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Those who voted in the negative were—

Chas. W. Anderson	F. H. Bassett, Jr.	Willis Champion
Henry Arrowood	Isaac Blevins	Marvin Cornett

John P. Craig	G. M. Knuckles	F. W. Schuhmann
Thos. S. Dawson	Homer E. Losey	Vernon Seaton
Bernie S. Edlin	Pearl McKinney	George T. Smith
Dr. J. C. Gabbard	Ed Marcum	Robt. J. Spaulding
Chas. B. Gentry	Harry L. Moore	E. A. Spencer
J. D. Gross	Herbert V. Moore	Arthur Stallard
Jas. P. Hallahan	J. Lee Moore	C. W. Taylor
Claude Hammons	L. D. Moore	Egbert V. Taylor
B. C. Holbrook	Coy C. Nevitt	H. Thieman, Jr.
J. J. Huff	Jno. C. Newcomb	Otis C. Thomas
W. N. Hughes	Albert W. Pfeiffer	H. Thieman, Jr.
W. H. Hunt	Sylvester Phillips	John L. Trumbo
Lee Johnson	James T. Philpott	R. E. West
Wm. E. Justice	Carl Scheben	Taylor Witt

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Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 148. An Act to amend the teacher tenure law.

H. B. 135. An Act to amend Sec. 56.190 KRS to place it in line with a decision of the Court of Appeals pertaining to land titles.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the

President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Without objection, the following bills were introduced, viz.:

By Mr. Swope.

H. B. 368. An Act relating to the purchase of liability and compensation insurance by counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 67.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of each county containing a city of the second, fourth, fifth or sixth class may, in its discretion, for the protection of the public and its employes, appropriate county funds to purchase policies of insurance of all kinds deemed advisable, covering vehicles operated by the county, and compensation insurance covering employes of the county receiving injuries arising out of and in the course of employment.

(2) Suits instituted on such policies may be maintained against the county only for the purpose of obtaining a judgment which when final shall measure the liability of the insurance carrier to the injured party for whose benefit the

insurance policy was issued, but not to be enforced or collectible against the county or fiscal court.

§ 2. Whereas, it is essential that the public and the employes of counties be given immediate protection against injuries arising from the conduct of county affairs, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage and approval by the Governor.

By Mr. J. Lee Moore.

H. B. 369. An Act relating to the legal adoption of persons and etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 391.080 be, and it is hereby, repealed, and in lieu thereof, there is hereby enacted as follows:

An adopted child shall be deemed, for all purposes of inheritance and succession, and for all other legal consequences and incidents of the natural relation of parents and children, the same to all intents and purposes as a child born in wedlock of such parents of such adoption, and the adopted parents of such adopted child shall inherit from such adopted child the same as if it were born in wedlock, and such adopted child shall inherit from the adopted parents, their ancestors, their descendants, collateral kin, next of kin, their heirs at law, the same as a child born in lawful wedlock, and such adopted child shall inherit from its adopted brothers and their descendants, sisters, and their descendants, grandparents and their ancestors and descendants, uncles, aunts, and their ancestors and descendants, cousins and their ancestors and descendants, and all other adopted relatives, the same as a child born in lawful wedlock, and such adopted relatives as

hereinbefore enumerated, their ancestors and heirs, shall inherit from such adopted child the same as if such adopted child were born in lawful wedlock, except as to any property which might be inherited by said adopted child from its natural relatives, providing, however, that such property inherited from their natural relatives, on the death of such adopted child without lawful issue, shall be inherited only by its adopted parents and adopted brothers and sisters and their descendants, and if the adopted child dies without lawful issue, and is not survived by either of its adopted parents, or adopted brothers, or their descendants, or sisters, or their descendants, whatever property which may be remaining in kind at the time of its death shall descend to its natural relatives and other classes of adopted relatives, share and share alike, under Kentucky Revised Statutes 391.010 and 391.030. Nothing under the provisions of this Act shall prevent an adopted child from inheriting from its natural parents, their ancestors and descendants.

By Messrs. Shaikun and Copeland.

H. B. 370. An Act to aid in the enforcement of the National Wartime Stabilization Program.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Any person

(a) Who sells or transfers to an ultimate consumer, or who buys or acquires for ultimate consumption, a commodity rationed by an order or regulation issued by the United States Government or any agency thereof in effect on the effective date of this Act, without taking or giving the coupons, stamps, certificates, ration checks or ration evidences, required by the order or regulation at the time of the transaction.

(b) Who uses any such rationed commodity as an ultimate consumer, or who possesses, acquires, transfers, or otherwise disposes of any ration coupons or other ration evidences in a manner prohibited by such an order or regulation at the time of such use, possession, or transaction shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine or not more than 100 dollars for each such violation.

Sec. 2. Any person who, in selling or offering for sale at retail any commodity or service, or in renting any housing accommodation for which maximum price or maximum rent has been prescribed by any regulation, order or price schedule issued by the Office of Price Administration under the authority of the Emergency Price Control Act and in effect on the date of enactment of this Act, demands or receives a price or rent in excess of the applicable maximum price or maximum rent in force and effect at the time of the occurrence of the violation, or who violates any other provision of such regulation, order, or price schedule governing selling at retail or the rental of housing accommodations, shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not more than 100 dollars for each such violation.

Sec. 3. Whenever the Governor determines that the welfare of the citizens of this state requires that the state enforce any rationing or price regulation or order issued after the effective date of this Act, he shall by executive order determine that all provisions of this Act, shall apply to such regulations, orders or price schedules, as if such regulations, orders or price schedules were in effect at the date of the enactment of this Act.

Sec. 4. Any license or permit used by any person in connection with any activity involving a violation of any provision of this Act may be revoked or suspended because of such violation in accordance with the procedure provided by law for the revocation or suspension of such license or permit.

Sec. 5. If any provisions of this Act or the application of any provision of this Act to any person or circumstances shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

By Mr. Carpenter.

H. B. 371. An Act relating to rights of way for state roads.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) Except for roads owned by a county, and except as provided in subsection (3) of this section, the state shall pay all cost of acquiring necessary land or rights of way for primary or other state road purposes, and all resulting damages.

(2) The Department of Highways may agree with any landowner as to the value of necessary land or right of way for a road as to its value, and if the agreement is approved by the Attorney General the department may contract and pay for such right of way or land from the State Road Fund by certifiying the costs to the Department of Finance.

(3) Any landowner may donate a right of way across his land for any primary road, by executing a deed to the department for the use and benefit of the state for such right of way.

§ 2. Sections 177.060 and 177.070 of the Kentucky Revised Statutes of 1942 are repealed.

By Mr. Peterson.

H. B. 372. An Act relating to compensation for City Officers of Cities of the Fifth Class.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 87.200 of the Kentucky Revised Statutes is amended to read as follows: Members of the City Council of cities of the Fifth Class may receive such compensation as is fixed by ordinance, not exceeding the sum of Fifty ($50.00) Dollars per month, and the Mayor such compensation as is fixed by ordinance, not exceeding the sum of Seventy-five ($75.00) Dollars per month; and the Clerk, Treasurer, Assessor and City Attorney of such city shall each receive such compensation as is fixed by ordinance, which compensation shall not be changed after their appointment or during their term of office. Nothing herein contained shall prevent the City Council from fixing such compensation in the first instance, during the term of office of such officer or after his election. The compensation of all other officers shall be fixed from time to time by the City Council.

By Mr. Swope.

H. B. 373. An Act relating to division fences.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 256.040 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) When a division fence is desirable, or is made necessary by the division of improved or inclosed lands, or when no fence exists between the improved or inclosed lands of adjoining owners, or improved lands where the right of way is owned by one person, either landowner may, after he has built a lawful fence upon his portion of the line, require the other to erect a lawful fence out of planks, rails or wire upon his portion of the line. If the other fails to erect the fence, after three months' notice, in writing, the person desiring the fence may erect the fence, and the cost of erection shall constitute a lien, superior to all others, in favor of the person desiring the fence and upon the land of the person failing to erect the fence, and shall be enforced as other liens.

(2) Subsection (1) shall not apply where the person who erects the fence has received compensation for fencing his entire line, or where written agreements concerning the fencing has been entered into.

By Mr. Peterson.

H. B. 374. An Act relating to policemen and firemen pension fund in cities of second class.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section of a section 1 of section 95.580 of the Kentucky Revised Statutes, 1942 Edition, be amended and re-enacted, so that said sub-section, when so amended and re-enacted shall read as follows, towit:

"(a) The proceeds of an annual tax, which shall be levied by the city legislative body, of not less than four cents

nor more than five cents on each one hundred dollars in value of taxable property."

By Mr. Moser.

H. B. 375. An Act relating to school subdistrict bond issues.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 162.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of education of any county school district may at any time submit to the voters of any one of its subdistricts or of any group of its subdistricts the question of whether or not the board shall issue and sell bonds of the subdistrict or group of subdistricts in an amount not exceeding the limit provided by Section 158 of the Constitution, for the purpose of buying a site or building or equipping a school building for such subdistrict or subdistricts, and of whether or not the board shall levy annually a school tax on each one hundred dollars of taxable property within the district, as valued in the assessment for local school purposes next preceding the levy of the tax, to pay the interest on the bonds and to create a sinking fund for the retirement of the bonds at their maturity. The election may be called by the board on its own motion, and shall be called upon written petition of forty percent of the voters of the subdistrict. The election shall be called by an order recorded on the minutes of the board, which, in the case of a petition, shall be entered within fifteen days from the time the petition is filed.

(2) Not less than fifteen days' notice of the election shall be given by written or printed posters signed by the chairman and secretary of the county board, stating the purpose of the election, the area affected, and the date, place or places, and hours of the election, posted at not less than two public places in each subdistrict concerned, and by one insertion of the notice in a newspaper published in the county. The county board of education shall appoint at least three legal voters of the subdistrict to serve as election officers in the election and to certify the election returns to the county board of education. The decision of the two of the three officers shall be final in determining any questions which arise during the election. The election shall be conducted in such a manner as to insure the integrity and secrecy of the ballot.

(3) If two-thirds of the votes cast on the question are in favor of issuing the bonds and levying the tax, the tax shall be levied annually by the fiscal court of the county for the period of years specified in the proposition, in accordance with the requisition by the county board of education, and shall be included by the county clerk in the regular tax bill rendered for county purposes. The tax shall be collected by the tax collector legally authorized to collect taxes for the district and settled for with the county board of education as in the case of county school taxes and at the same rate of commission for collection. The tax shall be set aside and used by the board of education solely for interest and sinking fund purposes.

By Mr. Simpson.

H. B. 376. An Act relating to reporting conveyances of real property and duties of County Tax Commissioner.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 133.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) On or before August 1 of each year, each county tax commissioner shall file with the Department of Revenue, in accordance with forms prescribed by the Department for that purpose, a report on each sale of real estate recorded in the deed books of the county during the previous fiscal year ending June 30, except as provided hereunder.

(2) The report of each sale shall contain such information from the deed, and from the assessment record pertaining to the property transferred by the deed, as the Department shall determined to be useful in ascertaining the assessment upon the property as of the beginning of the fiscal year, and the free market valuation of the property.

(3) The Department shall determine a quota of such reports for each county, which may be allocated between town lots and farms and acreage, or among other classifications. The Department shall notify the county tax commissioner on or before April 1 of each year of the quota for his county. The reports of conveyances filed with the Department by the county tax commissioner shall consist of the first conveyances recorded in the given fiscal year which conform to the provisions of subsection (4) hereof, and which number not more than the quota assigned to the county in each classification.

(4) No report shall be filed by the county tax commissioner with respect to any transaction in any of the following groups: transactions between members of the same immediate family; transactions which are the result of bankruptcy, condemnation, or other involuntary proceeding; transfers of

property not assessed for taxation; transfers of property which is materially different from the property assessed; transfers of property which had been assessed as of the beginning of a fiscal year to the grantee or a subsequent owner; transactions executed before the beginning of a fiscal year; and transactions with respect to which the price paid is not ascertainable within reasonable limits.

(5) The county tax commissioner shall be paid out of the State Treasury at the rate of fifteen cents for each conveyance for which he files the information in conformity with this section and with the requirements of the Department.

(6) If any county tax commissioner fails to file with the Department on or before August 1 of any year the reports of conveyances provided for in this section, he shall pay a penalty of one dollar for each day's delay during the month after August 1, which may be deducted by the Commonwealth from such sum as may be due or may become due the county tax commissioner for official duties.

By Mr. Swope.

H. B. 377. An Act relating to parole.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In addition to the provisions of KRS 439.105, until the date upon which the President of the United States shall declare that a National Emergency no longer exists, the Governor may, at his discretion parole at any time, for service in the armed forces of this country, any person under sentence of conviction for a felony.

§ 2. As the present conflict in which this country is engaged demands the service of all men physically fit for the armed forces, an emergency is declared to exist, and this bill shall become a law when properly passed by the General Assembly and approved by the Governor.

Ordered that said bills be referred and printed.

By Mr. Carpenter.

H. Res. 52. Resolution authorizing payment to General Fugate of a claim against the Commonwealth.

WHEREAS, one Emory Elliott was charged by indictment in the Knott Circuit Court with a felony, and was a fugitive from justice in Mansfield, Ohio, and

WHEREAS, General Fugate, sheriff of Knott County at that time, traveled to Mansfield, Ohio, and conveyed Emory Elliott back to Knott County, Kentucky, and

WHEREAS, said Emory Elliott was then tried for the charge against him, and

WHEREAS, General Fugate personally incurred expenses, approved by the Knott Circuit Court, for which he has never been reimbursed, and

WHEREAS, the claim of General Fugate is a just claim against the Commonwealth, therefore

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth of Kentucky is indebted to General Fugate of Hindman, Kentucky, former

sheriff of Knott County, in the amount of seventy-eight dollars and forty cents ($78.40), for services rendered to the Commonwealth while sheriff in returning one Emory Elliott, a fugitive from justice under indictment for felony by the Knott Circuit Court, from Mansfield, Ohio, to Knott County, Kentucky, for trial, and that this claim was allowed and approved for payment by the Knott Circuit Court, and it further appearing that said claim is a just claim against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay said claim when presented, and the Statute of Limitations as now provided by law shall not be a bar to its payment. The amount necessary to pay said claim, the sum of seventy-eight dollars and forty cents ($78.40), is hereby appropriated out of the General Fund for that purpose.

By Messrs. Waterfield and Champion.

H. Res. 53. Resolution authorizing payment of a claim for jury fees to Orman Stegall, Clerk of Livingston Circuit Court.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commonwealth of Kentucky is indebted to Orman Stegall, Clerk of Livingston Circuit Court, Smithland, Kentucky, in the sum of three hundred and seventy-eight dollars ($378.00), for a refund made by said Stegall to the Commonwealth for jury fees paid to 126 men ordered by the circuit judge to be summoned from the county for jury service.

The Commissioner of Finance is hereby authorized and directed to pay said claim when presented by Orman Stegall,

and the amount necessary to pay said claim, being three hundred and seventy-eight dollars ($378.00), is hereby appropriated out of the General Fund for that purpose.

By Mr. Shaikun.

H. Res. 54. Resolution appropriating to Harry G. Bright and Edward F. Prichard for services to the House Alcoholic Control Committee.

WHEREAS, by a resolution duly adopted by the House of Representatives, the Alcohol Control Committee No. 1 was authorized and empowered to subpoena the distillers, liquor wholesaler, and liquor retailer to investigate black market conditions in the State of Kentucky and,

WHEREAS, certain expenses were incurred pursuant thereto, NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund the sum of One hundred, thirty-five dollars and thirty-seven cents ($135.37) to Harry G. Bright, and the sum of forty-four dollars and sixty-five cents ($44.65) to Edward F. Prichard, for services and expenses incurred for House Alcolholic Control Committees, and the Commissioner of Finance is hereby authorized and directed to pay said sums when said claims are presented.

By Mr. Howard.

H. Res. 55. Resolution authorizing E. Q. McGlone to sue the Commonwealth.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That E. Q. McGlone, of Jackson, Kentucky, is authorized to sue the Commonwealth of Kentucky in Breathitt Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $60.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Messrs. Steward and Howard.

H. Res. 56. Resolution authorizing Charles Beard to sue the Commonwealth on his own behalf and on behalf of his wife and infant children.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Charles Beard of Larue County, Kentucky, is authorized to sue the Commonwealth of Kentucky, on his own

behalf and on behalf of his wife and infant children, in the Larue Circuit Court for damages resulting from property damage and personal injuries caused by alleged negligence on the part of the Commonwealth of Kentucky, or an agent or employee thereof, while said employee or agent was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of Seventeen Hundred ($1750.00) Fifty Dollars.

The Attorney General may investigate the claim against the Commonwealth herein and settle the claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

The Statute of Limitations is hereby waived as to the claim with regard to which suit is authorized by this Resolution.

By Mr. Hughes.

H. Res. 57. Resolution authorizing payment of claim allowed by Jackson Circuit Court to Effie Hays.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Effie Hays, of McKee, Kentucky, is now the owner of witness claims allowed by the Jackson Circuit Court at the June, 1942 term in the total amount of $6.00.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Effie Hays, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being six dollars ($6.00), is hereby appropriated out of the General Fund for that purpose.

By Mr. Patterson.

H. Res. 58. Resolution appropriating from General Fund the sum of $49.00 to pay claim for services rendered by Ruth A. King.

WHEREAS, Ruth A. King has never been paid the Forty-Nine Dollars ($49.00) for the completion of her work at Cynthiana, Harrison County, Kentucky, in September, 1937, as a Field Clerk and Case Reader in the Department of Welfare of Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund of the Commonwealth, the sum of Forty-Nine ($49.00) Dollars, and the Department of Finance shall draw it's warrant upon the Treasurer for that amount in favor of Ruth A. King.

Ordered that said resolutions be referred to
The Committee on Claims.

The House resumed consideration of the matter under discussion, viz.:

A motion by Mr. Egbert V. Taylor to reconsider the vote by which Amendment No. 31 to H. B. 35 was agreed to.

Mr. Losey moved the Previous Question on said motion.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said motion was then disagreed to, having failed to receive a majority of those present and voting.

The yeas and nays being required thereon by Messrs. Hammons and Love, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. H. Hunt	C. R. Reeves
Henry Arrowood	Lee Johnson	Carl Scheben
Isaac Blevins	Wm. E. Justice	F. W. Schuhmann
Willis Champion	G. M. Knuckles	Vernon Seaton
Marvin Cornett	Homer E. Losey	Robt. J. Spaulding
Thos. S. Dawson	Pearl McKinney	E. A. Spencer
Bernie S. Edlin	Ed Marcum	Arthur Stallard
Harry W. Ennis	Harry L. Moore	C. W. Taylor
Dr. J. C. Gabbard	Herbert V. Moore	Egbert V. Taylor
Chas. B. Gentry	J. Lee Moore	H. Thieman, Jr.
J. D. Gross	L. D. Moore	Otis C. Thomas
Jas. P. Hallahan	Coy C. Nevitt	E. B. Thompson
Claude Hammons	Jno. C. Newcomb	John L. Trumbo
B. C. Holbrook	Albert W. Pfeiffer	Harry F. Walters
J. J. Huff	Sylvester Phillips	R. E. West
W. N. Hughes	James T. Philpott	Taylor Witt

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Those who voted in the negative were—

F. H. Bassett, Jr.	Jerry F. Howell	James E. Quill
Douglas T. Bolling	Paul S. Jonas	L. Allen Rhoads
J. C. Bradley	H. Clay Kauffman	Wade H. Riley
Jno. W. Burkhart	M. Kavanaugh	H. G. Royalty
Chas. W. Burnley	J. T. Linton	Amos Runyon
C. D. Call	A. L. Love	Leon J. Shaikun
Fred Carpenter	C. C. May	Jno. W. Simmons
Jno. H. Clarke, Jr.	Johnston Miller	Faust Y. Simpson
A. Roy Copeland	W. B. Moser	George T. Smith
John Henry Cox	C. Sid Nabb	Geo. W. Steinford
John P. Craig	Joe E. Nunn	Joe Stewart
Fred Creasey	H. C. Patterson	Thos. M. Swope
Adron Doran	Chester Peterson	S. J. Wagner
J. R. Dorman	J. Gip Prather	Speaker Harry Lee Waterfield
Franklin Goins	L. W. Preston	
R. M. Hall	Kleber F. Price	
Benton Howard	Edw. P. Prichard	—48

Mr. Hammons moved the Previous Question on all amendments pending and filed with the Clerk.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Amendment No. 32 as offered by Mr. Prichard is as follows, viz.:

Amend H. B. 35 on page 19, section 19, between lines 33 and 34 by inserting between lines 33 and 34, the following: (f-1*) *Capital Outlay.*

1944-1945	$300,000.00
1945-1946	300,000.00

These appropriations, if not expended during the respective fiscal years, shall not lapse, but shall continue until twenty-four months after the termination of the present National Emergency and may be expended or encumbered at any time during such extended period. If the Board of Trustees of the University of Kentucky advises the State Treasurer, at any time during the 1944-1945 fiscal year, that it will not presently require any portion of such appropriations, the State Treasurer shall invest the amount thereof in United States War Bonds and hold the same in trust to meet such appropriations when required.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Quill and Clarke, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Benton Howard	Kleber F. Price
Douglas T. Bolling	Clyde S. Howard	Edw. P. Prichard
J. C. Bradley	Jerry F. Howell	James E. Quill
Chas. W. Burnley	Paul S. Jonas	C. R. Reeves
C. D. Call	H. Clay Kauffman	L. Allen Rhoads
Fred Carpenter	M. Kavanaugh	H. G. Royalty
Jno. H. Clarke, Jr.	J. T. Linton	Amos Runyon
A. Roy Copeland	A. L. Love	Leon J. Shaikun
John Henry Cox	C. C. May	Faust Y. Simpson
Fred Creasey	Johnston Miller	Geo. W. Steinford
Adron Doran	W. B. Moser	Thos. M. Swope
J. R. Dorman	C. Sid Nabb	S. J. Wagner
Harry W. Ennis	H. C. Patterson	Harry F. Walters
Chas. B. Gentry	Chester Peterson	Speaker Harry
Franklin Goins	J. Gip Prather	Lee Waterfield
R. M. Hall	L. W. Preston	—46

Those who voted in the negative were—

Chas. W. Anderson	W. H. Hunt	F. W. Schuhmann
Henry Arrowood	Lee Johnson	Vernon Seaton
Isaac Blevins	Wm. E. Justice	George T. Smith
Jno. W. Burkhart	G. M. Knuckles	Robt. J. Spaulding
Willis Champion	Homer E. Losey	E. A. Spencer
Marvin Cornett	Ed Marcum	Arthur Stallard
John P. Craig	Herbert V. Moore	C. W. Taylor
Thos. S. Dawson	L. D. Moore	Egbert V. Taylor
Bernie S. Edlin	Coy C. Nevitt	H. Thieman, Jr.
Dr. J. C. Gabbard	Jno. C. Newcomb	Otis C. Thomas
J. D. Gross	Joe E. Nunn	E. B. Thompson
Jas. P. Hallahan	Albert W. Pfeiffer	John L. Trumbo
Claude Hammons	Sylvester Phillips	R. E. West
B. C. Holbrook	James T. Philpott	Taylor Witt
J. J. Huff	Wade H. Riley	
W. N. Hughes	Carl Scheben	—46

Mr. Burnley moved that the vote by which Amendment No. 18 was agreed to, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Anderson offered the following amendment to Amendment No. 18, viz.:

Amend. 33. Amend Committee amendment No. 18 by striking out the figures $4,000.00 in line 5 and 6 of printed copy of Committee Amendments and inserting in lieu thereof the figures $8,250.00 in each line.

Said amendment was agreed to.

Amendment No. 18 was then agreed to, as amended.

Mr. Wagner offered the following amendment to said bill, viz.:

No. 34. Amend H. B. 35 on page 2 and 3, section lines 5, 6, 7 and 8 by striking out all of subsection (b).

Mr. Quill offered the following amendment in lieu of Amendment No. 34 as offered by Mr. Wagner, viz.:

Amend H. B. 35 on page 2 and 3 line 7 and 8 by striking out $200.00 on line 7 and $11,000.00 on line 8 and inserting in lieu thereof the figures $50,000.00 in each line.

Said last named amendment was disagreed to.

Amend No. 34 as offered by Mr. Wagner was then disagreed to.

The yeas and nays being required thereon by Messrs. Wagner and Preston, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Benton Howard	Kleber F. Price
J. C. Bradley	Clyde S. Howard	Edw. P. Prichard
Chas. W. Burnley	Paul S. Jonas	James E. Quill
C. D. Call	M. Kavanaugh	L. Allen Rhoads
Fred Carpenter	J. T. Linton	H. G. Royalty
Jno. H. Clarke, Jr.	A. L. Love	Amos Runyon
A. Roy Copeland	C. C. May	Leon J. Shaikun
John Henry Cox	Johnston Miller	Faust Y. Simpson
Fred Creasey	C. Sid Nabb	George T. Smith
Adron Doran	H. C. Patterson	Geo. W. Steinford
J. R. Dorman	Chester Peterson	S. J. Wagner
Franklin Goins	J. Gip Prather	
R. M. Hall	L. W. Preston	—37

Those who voted in the negative were—

Chas. W. Anderson	W. N. Hughes	Carl Scheben
Henry Arrowood	W. H. Hunt	F. W. Schuhmann
Isaac Blevins	Lee Johnson	Vernon Seaton
Douglas T. Bolling	Wm. E. Justice	Jno. W. Simmons
Jno. W. Burkhart	G. M. Knuckles	Robt. J. Spaulding
Willis Champion	Homer E. Losey	E. A. Spencer
Marvin Cornett	Pearl McKinney	Arthur Stallard
John P. Craig	Ed Marcum	Thos. M. Swope
Thos. S. Dawson	Harry L. Moore	C. W. Taylor
Bernie S. Edlin	Herbert V. Moore	Egbert V. Taylor
Harry W. Ennis	L. D. Moore	H. Thieman, Jr.
Dr. J. C. Gabbard	Coy C. Nevitt	Otis C. Thomas
Chas. B. Gentry	Jno. C. Newcomb	E. B. Thompson
J. D. Gross	Albert W. Pfeiffer	John L. Trumbo
Jas. P. Hallahan	Sylvester Phillips	Harry F. Walters
Claude Hammons	James T. Philpott	R. E. West
B. C. Holbrook	C. R. Reeves	Taylor Witt
J. J. Huff	Wade H. Riley	—53

Mr. Bolling moved that when the House adjourn today, it adjourn to meet again at eleven o'clock A. M. on tomorrow.

Said motion was agreed to.

Mr. Bolling moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 25, 1944.

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend

Father Joseph O'Dwyer of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
E. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Stallard moved that a bill entitled:

H. B. 87. An Act relating to Old Age Assistance, Needy Blind, etc.

Which was recommitted to the Committee on Kentucky Statutes on February 14,

Be taken from the hands of said Committee and advanced to a reading.

Mr. J. Lee Moore moved that the motion as made by Mr. Stallard, be laid on the table.

Said motion was agreed to.

The yeas and nays being taken thereon, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Jno. H. Clarke, Jr.	J. D. Gross
F. H. Bassett, Jr.	Roy A. Copeland	R. M. Hall
W. G. Biggers	Marvin Cornett	Benton Howard
Isaac Blevins	John Henry Cox	Clyde S. Howard
Douglas T. Bolling	John P. Craig	Jerry F. Howell
J. C. Bradley	Fred Creasey	J. J. Huff
Jno. W. Burkhart	Adron Doran	W. H. Hunt
Chas. W. Burnley	J. R. Dorman	Paul S. Jonas
C. D. Call	Bernie E. Edlin	H. Clay Kauffman
Fred Carpenter	Chas. B. Gentry	M. Kavanaugh
Willis Champion	Franklin Goins	J. T. Linton

Ed Marcum	J. Gip Prather	Robt. J. Spaulding
C. C. May	L. W. Preston	E. A. Spencer
Johnston Miller	Kleber F. Price	Geo. W. Steinford
Harry L. Moore	Edw. P. Prichard	Joe Stewart
J. Lee Moore	James E. Quill	Roy L. Taylor
L. D. Moore	C. R. Reeves	H. Thieman, Jr.
W. B. Moser	L. Allen Rhoads	Otis C. Thomas
C. Sid Nabb	Wade H. Riley	E. B. Thompson
Jno. C. Newcomb	Carl Scheben	Harry F. Walters
Chester Peterson	F. W. Schuhmann	Taylor Witt
Albert W. Pfeiffer	Jno. W. Simmons	
James T. Philpott	Faust Y. Simpson	—67

Those who voted in the negative were—

Dr. J. C. Gabbard	Herbert V. Moore	Egbert V. Taylor
B. C. Holbrook	H. C. Patterson	John L. Trumbo
Lee Johnson	Vernon Seaton	R. E. West
Wm. E. Justice	George T. Smith	
G. M. Knuckles	Arthur Stallard	—13

And so said bill was tabled.

Mr. Justice moved that a bill entitled:

H. B. 172. An Act to control alcoholic beverages within the Commonwealth.

Be taken from the hands of the Committee on Alcohol and Liquor Control No. 1, and advance to a reading.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Justice and Prichard, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Wm. E. Justice	Egbert V. Taylor
Bernie E. Edlin	Ed Marcum	John L. Trumbo
Dr. J. C. Gabbard	Herbert V. Moore	R. E. West
Jas. P. Hallahan	George T. Smith	
W. N. Hughes	Arthur Stallard	—13

Those who voted in the negative were—

F. H. Bassett, Jr.	J. J. Huff	Edw. P. Prichard
W. G. Biggers	Paul S. Jonas	James E. Quill
Isaac Blevins	H. Clay Kauffman	C. R. Reeves
Jno. W. Burkhart	M. Kavanaugh	L. Allen Rhoads
Chas. W. Burnley	G. M. Knuckles	Wade H. Riley
C. D. Call	J. T. Linton	H. G. Royalty
Fred Carpenter	A. L. Love	Carl Scheben
A. Roy Copeland	Pearl McKinney	F. W. Schuhmann
Marvin Cornett	C. C. May	Leon J. Shaikun
John Henry Cox	J. Lee Moore	Jno. W. Simmons
John P. Craig	C. Sid Nabb	Robt. J. Spaulding
Fred Creasey	Coy C. Nevitt	Geo. W. Steinford
Adron Doran	Jno. C. Newcomb	Joe Stewart
J. R. Dorman	Joe E. Nunn	Thos. M. Swope
Chas. B. Gentry	H. C. Patterson	Roy L. Taylor
Franklin Goins	Chester Peterson	H. Thieman, Jr.
J. D. Gross	Albert W. Pfeiffer	E. B. Thompson
R. M. Hall	Sylvester Phillips	S. J. Wagner
B. C. Holbrook	J. Gip Prather	Harry F. Walters
Benton Howard	L. W. Preston	Taylor Witt
Jerry F. Howell	Kleber F. Price	—62

Mr. Prichard moved that that the vote by which the House refused to advance said bill to a reading, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Newcomb moved that the Rule governing the Order of Business be suspended for the purpose of making a motion.

Said motion was agreed to.

Thereupon Mr. Newcomb moved that a bill entitled:

S. B. 27. An Act relating to Fish and Game.

Which was reported on yesterday by the Committee on Fish and Game, without an expression of opinion,

Be taken from the Clerk's Desk and advanced to a reading.

Said motion was agreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

The Speaker announced that he had referred bills heretofore introduced, as follows, viz.:

FEBRUARY 24, 1944

The following Bills have been referred to the Committees named:

H. B. No. 368—Kentucky Statutes

H. B. No. 369—Kentucky Statutes

H. B. No. 370—Kentucky Statutes

H. B. No. 371—Roads & Highways No. 1

H. B. No. 372—Cities of the Fifth Class

H. B. No. 373—Kentucky Statutes

H. B. No. 374—Cities of the Second Class

H. B. No. 375—Education No. 1

H. B. No. 376—Kentucky Statutes

H. B. No. 377—Ways & Means

The Standing Committees of the House to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Burnley of the Committee on Ways and Means.

H. B. 119. An Act to grant the powers of police officers of the Division of Highway Patrol.

With a Committee Amendment thereto by way of Substitute therefor.

H. B. 97. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1944 supplementing appropriations heretofore made by General Assembly.

With a Committee Amendment thereto.

H. B. 251. An Act relating to the registration and purgation of voters.

By Mr. Kavanaugh of the Committee on Public Ditches.

H. B. 334. An Act relating to Drainage Districts.

By Mr. Doran of the Committee on Education No. 1.

H. B. 335. An Act relating to the adoption of school textbooks.

With a Committee amendment thereto.

S. B. 84. An Act consenting to establishment of an independent school district on Ft. Knox Military Reservation, etc.

S. B. 96. An Act to repeal and re-enact Sec. 162.431, 162.435, 162.440, 162.450, 162.460 and 162.480 KRS.

H. B. 265. An Act relating to higher education for negroes.

H. B. 312. An Act relating to penalties for violation of compulsory school attendance statutes.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 302. An Act to amend and re-enact Sec. 64.150 KRS so that said chapter as amended and re-enacted shall read as follows:

S. B. 74. An Act relating to lis pendens notices.

H. B. 342. An Act relating to vested and inchoate dower, descent and distribution, exemptions for the surviving spouse or infant children, and renunciation of will by the surviving spouse.

H. B. 368. An Act relating to the purchase of liability and compensation insurance by counties, etc.

H. B. 272. An Act relating to the duties and compensation of the county Tax Commissioners.

H. B. 274. An Act relating to water districts.

H. B. 291. An Act relating to bonds of parties to actions involving timbered lands.

H. B. 333. An Act to repeal, amend and re-enact Sec. 70.030 KRS relating to deputy sheriff.

H. B. 330. An Act relating to record books required by circuit and county clerks.

H. B. 263. An Act relating to lawful fence.

H. B. 276. An Act to enable any city to establish, maintain and use a public works cumulative reserve fund.

By Mr. Kauffman of the Committee on Courts.

S. B. 55. An Act to amend and re-enact Sec. 431.130 KRS.

S. B. 31. An Act to amend and re-enact Sec. 403.030 KRS relating to the duties of County Attorneys.

With a Committee amendment thereto.

By Mr. Patterson of the Committee on Constitutional Amendments.

S. B. 23. An Act providing for the taking of the sense of the people as to necessity and expediency of calling a convention etc.

By Mr. Howell of the Committee on Claims.

S. Res. 7. Resolution authorizing Thos. Lowman to sue the Commonwealth.

S. Res. 8. Resolution authorizing Zach W. Lee of Lexington, to sue the Commonwealth.

All House Resolutions in the hands of the Committee on Claims authorizing persons to sue the Commonwealth.

With a Committee amendment thereto by way of Substitute therefor, which shall be known as House Resolution No. 59.

All House Resolutions in the hands of the Committee on Claims authorizing the payment of claims against the Commonwealth.

With a Committee amendment thereto by way of Substitute therefor, which shall be known as House Resolution No. 60.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Burnley of the Committee on Ways and Means, to which the same had been recommitted,

H. B. 287. An Act relating to the establishment by cities of a gas and garbage disposal system.

With Committee amendments thereto.

With the expression of opinion that said bill ought to pass.

Ordered that said bill be placed in the Orders of the Day.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 216. An Act relating to the limitation of action against sheriffs and their sureties.

H. B. 106. An Act relating to petty loans.

Without an expression of opinion.

No motion having been made to advance said bills to a reading, it was ordered that said bills be not read at length the first time.

Ordered that said bills be laid on the Clerk's Desk.

H. B. 339. An Act relating to bar examinations.

H. B. 328. An Act relating to the obtaining of credit under false pretenses or by false statement.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading the report of the Committee to the contrary notwithstanding and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time, and so said bills were rejected.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 182. An Act relating to fish and game.

H. B. 253. An Act to create a State owned wholesale liquor corporation, etc.

H. B. 305. An Act relating to alcoholic beverages.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 367. An Act relating to alcoholic beverages.

H. B. 322. An Act imposing a tax on the privilege of

possessing distilled spirits through storage in charred oak barrels in bonded warehouses.

H. B. 30. An Act to provide for an exception to the limitation on ad valorem taxes for the financing of tubercular institutions in legally established tubercular districts.

H. B. 206. An Act relating to the taxation of the shares of stock of corporations.

With a committee amendment thereto by way of Substitute therefor.

H. B. 313. An Act relating to the teaching of the conservation and preservation of natural resources in the public schools of Kentucky.

With a Committee Amendment thereto.

H. B. 284. An Act to provide for the supervision, regulation and control of intrastate transportation of persons and property by aircraft for hire, etc.

H. B. 315. An Act relating to revenue and taxation.

H. B. 325. An Act relating to the payment of jurors.

H. B. 303. An Act relating to reports on state employes and officers, for members of the General Assembly.

H. B. 307. An Act relating to the public welfare, comfort, health and safety etc.

With a Committee amendment thereto.

H. B. 320. An Act relating to insurance policies.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Mr. Quill moved that the House do now recess for thirty minutes.

Said motion was agreed to.

And then the House recessed.

Thirty minutes having expired, the Speaker resumed the Chair and called the House to order.

A message was received from the Senate, announcing that they had passed a bill and resolution which originated in this House, entitled:

H. B. 33. An Act relating to the licensing of operators of motor vehicles.

H. Res. 19. Resolution appropriating $300 to pay for sound equipment in House Chamber.

Ordered that said bill and resolution be delivered to the Enrolling Clerk of this House.

And that they had passed bills and resolutions which originated in that body entitled:

S. Res. 18. Resolution authorizing Edith Long to sue the Commonwealth.

Said resolution is as follows, viz.:

WHEREAS, on or about October 23, 1939, Edith Long,

then an infant of seven years, able bodied, and resident in Warren County, Kentucky, while being transported to the Quarry Union School in Warren County, Kentucky, in a school bus operated by the Board of Education of Warren County, Kentucky, and the Commonwealth of Kentucky through their agent and employee, and while leaving said bus at said schoolhouse, was violently thrown from the rear of said bus by the negligent operation of the bus, said bus then and there being operated by the agent and employee of the Board of Education of Warren County, Kentucky, and the Commonwealth of Kentucky, and the Board of Education of Warren County, and the Commonwealth of Kentucky were then and there acting through their agent and employee in the usual and customary performance of his official duties as such, and

WHEREAS, the said Edith Long, as the direct and proximate result of the acts and events aforesaid, at the time and place aforesaid, received injuries to the bones of her left leg and ankle, which became infected in the direct course of the injury, and through no fault of her own, thus possibly having to go through life a cripple, and was seriously, painfully, and possibly permanently injured at the time and place, and in the manner above stated, so as to incapacitate her from the performance of work and duties she had customarily done before the said injuries, and as a result of said injuries, the said Edith Long's power to earn money has been permanently injured, and

WHEREAS, Ernest Long is the father of the said Edith Long, and

WHEREAS, the said Ernest Long has been and will be forced to expend in behalf of the said Edith Long for surgical operations, physicians' bills, and hospital and medical expenses approximately $500.00 and

WHEREAS, by the direct and proximate result of the negligence of the agent and employee of the Board of Education of Warren County, Kentucky, and the Commonwealth of Kentucky the said Edith Long has been damaged in the amount of $10,000.00 and

WHEREAS, the injuries of the said Edith Long were caused and produced by the carelessness and negligence of the Board of Education of Warren County, Kentucky, and the Commonwealth of Kentucky, then and there acting through their agent and employee then and there in the performance of his duties as such, while the said Edith Long was free of any negligence whatever which attributed to, or in any way brought about her said injuries, and

WHEREAS, said Edith Long has no means of support except from said Ernest Long, and he is a tenant farmer with no income except from crops produced by his labor; and services and articles other than the ordinary necessities of life, and beyond the reach of persons of such meager means, will be necessary to the sustenance of said Edith Long, in the immediate future,

Now, therefore, Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That the said Edith Long, by her statutory guardian or next friend, and the said Ernest Long, as her next friend, and also in his behalf as her father, jointly, or either of them, be and hereby are authorized to sue the Board of Education of Warren County, Kentucky, and the Commonwealth of Kentucky jointly, or either of them, in the Circuit Court held in and for Warren County in the Commonwealth of Kentucky.

Said suit of the said Edith Long and Ernest Long, or either of them, shall be for an amount not exceeding $10,-

500.00, and in the event any judgment is recovered by the said Edith Long or Ernest Long or either of them, for damages, or in the event said suit is compromised or settled, the amount of said judgment, compromise or settlement, shall be paid by the Auditor of Public Accounts of the Commonwealth of Kentucky by a warrant or warrants drawn on the Treasury of the Commonwealth of Kentucky and payable out of the general fund.

Sec. 2. Any party in the suit proposed may appeal from any judgment which may be rendered in the Warren Circuit Court as in any other civil suit, and the said suit may be settled and adjusted, or compromised, should the Board of Education of Warren County, Kentucky, and the Commonwealth of Kentucky so decide, with the consent and approval of the Attorney General of the Commonwealth of Kentucky, in the same manner as in any other civil suit.

S. Res. 24. Resolution authorizing Floyd Arnett to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Floyd Arnett is authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky in the Morgan Circuit Court for damages resulting from injury caused to lands owned by him and located in Morgan County, Kentucky, caused by alleged negligence upon the part of the Commonwealth of Kentucky and the Department of Highways of Kentucky, while their employees were building, constructing and maintaining a State Highway on Route No. 40 leading from West Liberty in Morgan County, Kentucky, to Mt. Sterling in Montgomery County, Kentucky, and while said employees were engaged in the line of duty

as employees of this Commonwealth and its Department of Highways.

Said suit shall not be for a sum in excess of $2,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate said claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement contained in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth or its Department of Highways and this Resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

S. Res. 23. Resolution authorizing Robert Lewis to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Robert Lewis of Laurel County, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Laurel Circuit Court for damages resulting from personal injury caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was

in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of Ten Thousand ($10,000.00) Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or a jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 25. Resolution authorizing Richard Campbell to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Richard Campbell of Laurel County, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Laurel Circuit Court for damages resulting from personal injury and property damage caused by alleged negligence

on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of Ten Thousand ($10,000.00) Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or a jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 20. Resolution appropriating from the General Fund of the Commonwealth the sum of $191.20 to pay claims for services rendered by Lee B. Keslar.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund, the sum of $191.20, payable to Lee B. Keslar for services

rendered in apprehending, arresting and delivering Doc Warren to the Campbell Circuit Court upon a murder charge as a fugitive from justice and in returning him from Springfield, Missouri, to Newport, Kentucky. The Department of Finance shall draw its warrant upon the Treasurer of the Commonwealth for said amount of $191.20, all of which shall be payable to the said Lee B. Keslar as sheriff of Campbell County.

S. Res. 29. Resolution authorizing Charles and Dorothy Bryant to sue the Commonwealth.

Said resolution is as follows, viz.:

Therefore, Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Charles Bryant and Dorothy Bryant his wife, be and they are hereby empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and/or the State Highway Commission, or either or both of them, in the Franklin Circuit Court, for the purpose of determining the extent, if any, of the damage resulting to the property owners' real estate and personal property, caused by reason of the change or the construction of said culvert, drains etc., in the construction of the new highway.

2. Said suit shall be for a sum not exceeding $2,000.00.

3. In the event any judgment is recovered by the said Charles Bryant and Dorothy Bryant, or any compromise, agreement or settlement is made, same shall be paid by the Commissioner of Finance by a warrant drawn on the State Treasurer of the Commonwealth of Kentucky, and paid out of the highway fund.

4. Either party to such suit may appeal from any judg-

ment which may be entered in said action, as in any other civil suit, and such case may be settled, compromised or adjusted with the consent or approval of the Attorney General of Kentucky, in the same manner as any other suit.

Nothing contained in this resolution shall be considered by either the court or jury as substantive evidence on the merits of the alleged damages, and the court shall instruct the jury that the resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies, of any damage done on the part of the Commonwealth of Kentucky or any of its agencies, by reason of the construction of said road, culverts and drains; nor as an admission that any verdict of any kind whatsoever shall be rendered for plaintiffs.

S. Res. 31. Resolution authorizing B. H. Kelley to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That B. H. Kelley, or in the event of his death before or during the prosecution of this action to its final conclusion his executor or administrator, be and he is hereby empowered and authorized to file and prosecute appropriate actions against the Commonwealth of Kentucky and/or the State Highway Department for the purpose of determining the liability of the Commonwealth of Kentucky and/or the State Highway Department for damages if any there be; and in the event that any judgment in the action is recovered by the said B. H. Kelley or same be compromised or settled, same shall be paid by the Commissioner of Finance by warrant drawn of the State Treasurer, and paid out of the Highway Fund. Either party to any suit may appeal from any judg-

ment which may be entered therein as in any other Civil Suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case and if so settled the said Commissioner of Finance shall draw a warrant on the State Treasurer for the amount of said settlement on request of the Attorney General.

Such action may be brought in any County of Kentucky having jurisdiction of the parties or the subject matter.

Nothing contained in this Resolution shall be considered as substantive evidence on the merits of the alleged claim, and the Court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky and/or the State Highway Department of any liability whatsoever, nor an admission that any verdict of any kind whatsoever shall be rendered for the Plaintiff.

In the event that any suit is filed under this Resolution the amount of recovery is limited to the sum of Three Thousand Dollars.

S. Res. 26. Resolution authorizing Brent Hinton to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Brent Hinton, is authorized to sue the Commonwealth of Kentucky in Logan Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Com-

monwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $3,500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 27. Resolution authorizing George Henderson to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That George Henderson is authorized to sue the Commonwealth of Kentucky in Logan Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Com-

monwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $1,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 28. Resolution authorizing James C. Ray to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That James C. Ray is authorized to sue the Commonwealth of Kentucky in Logan Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $3,500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. B. 83. An Act relating to fees sheriffs may charge and collect for certain services.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

That Section 64.090 of Kentucky Revised Statutes, 1942 Edition, be amended and re-enacted, so that said section, as amended and re-enacted, shall read as follows, to-wit:

Sheriffs. Sheriffs may charge and collect for the following services the following fees:

Executing and returning process	$0.60
Serving an order of court and return	.50
Summoning each witness	.25

Summoning an appraiser or reviewer ..... .40

Each day's attendance in the county on a jury or attending a surveyor, when ordered by court 1.00

Taking any bond that he is authorized or required to take in any action ..... .50

Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, 6% on the first $300 and 3% on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case.

Taking recognizance of a witness ..... .25

Levying an attachment ..... .60

When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court.

Summoning a garnishee ..... .50

Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail, to be paid by the party convicted 2.00

Serving process or arresting the party in misdemeanor cases, to be paid by the party if convicted 2.00

Serving an order or process of revivor ..... .50

Executing a writ of possession against each tenant or defendant 1.50

Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission.

Summoning and attending a jury in a case of forcible entry and detained, besides fees for summoning witnesses 3.00

Collecting militia fines and free-bills, 10%, to be deducted out of the fee-bill or fine.

Levying for a fee-bill ..... .50

Serving a notice ..... .25

Serving warrants or process of arrest in bastardy cases 2.00

Serving each order appointing surveyors of roads, to be paid out of the county levy ..... .50

Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant ..... .50

Like services in cases of private passways, to be paid by the applicant ..... .50

Services rendered in cases in the quarterly courts, the same fees given to constables in all cases where the amount claimed is $50 or under.

Executing each writ of habeas corpus, to be paid by the petitioner 1.00

All services under a writ issued under KRS 381.460 to 381.570 ..... 4.00

Attending by himself or deputy the regular terms of the county courts, a reasonable allowance per day, to be allowed by the county judge and paid out of the county levy, not exceeding 2.00

Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day 2.00

Performing the duties of jailer, the same fees and allowances that are prescribed for jailers.

The provisions of this act shall not be construed to increase the compensation of any sheriff during his term of office, but shall become effective upon the expiration of the respective terms of those now in office.

S. B. 100. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 118.040 of the Kentucky Revised Statutes is amended to read as follows:

The polls shall be opened at 6 a. m. and kept open until 5 p. m. of the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

§ 2. Subsection (1) of section 118.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the hour of 5 p. m. arrives the election officers shall announce the fact at the door of the voting room and close the polls. They shall take charge of the ballot box, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it. The election officers shall

then place upon all unused stubs and ballots, with rubber stamp or by writing, the word, "Unused," and place them with the stub book and all other utensils or election material, into the linen envelope provided by the county clerk for that purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon the wax, so as to make the letters plainly visible in three different places on the envelope. The sheriff of election and the judge of opposite faith shall forthwith convey the ballot box, the key to the vent lock, and the envelope to the county clerk, taking his receipt therefor. The sheriff and judge shall see that no person other than themselves has access to, or custody of, the ballot box, and they shall each remain in the presence of the other until the box, key and envelope are delivered to the county clerk.

§ 3. Subsection (3) of section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(3) The county board of election commissioners shall meet, for the purpose of counting the ballots, issuing certificates and making a report, at 6 p. m. on the day of the election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed it may then adjourn until the following day at 8 a. m., unless the following day is a Sunday, in which case it shall adjourn until 8 a. m. on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a. m. on the day following the legal holiday. On the adjourned day the board shall

remain in session, if necessary to complete the count until 6 p. m., or longer in its discretion. If the count is not then completed, the board shall reconvene during the same hours on each succeeding day, except on Sundays and on such legal holidays as the board decides not to meet, until the count is completed.

§ 4. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hours of 6 a. m. and 5 p. m., at the regular polling places in each election precinct.

Ordered that said bills and resolutions be referred and printed.

The House resumed consideration of the unfinished business of yesterday, to wit: a bill entitled:

H. B. 35. An Act appropriating money for the operation, maintenance, etc. of the state government.

With various amendments thereto as adopted by the House.

(For bill and amendments see House Journal of yesterday)

Amend No. 35 as offered by Mr. Wagner is as follows, viz.:

Amend H. B. 35 on page 27, section "Department of Revenue" line 6 and 7 by removing all of the following words:

"Fair Trade Act—Distilled Spirits. All revenue received under KRS 243.710."

Without objection, said amendment was withdrawn by Mr. Wagner.

Amend No. 36 as offered by Mr. Wagner is as follows, viz.:

Amend H. B. 35 on page 8, Section 10, line 3 and 4 by striking out the figures $350,000.00 and inserting in lieu thereof the figures $335,000.00.

Without objection, said amendment was withdrawn by Mr. Wagner.

Amend No. 37 as offered by Messrs. Love and Preston is as follows, viz.:

Amend H. B. 35 on page 32, section 3, line 31 by striking out the figures "$2,000,000.00" and inserting in lieu thereof the figures "$3,000,000.00".

Said amendment was disagreed to.

The yeas and nays being taken thereon, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Franklin Goins	C. Sid Nabb
W. G. Biggers	Benton Howard	Joe E. Nunn
Douglas T. Bolling	Clyde S. Howard	H. C. Patterson
J. C. Bradley	Jerry F. Howell	Chester Peterson
Chas. W. Burnley	Paul S. Jonas	J. Gip Prather
Fred Carpenter	H. Clay Kauffman	L. W. Preston
Jno. H. Clarke, Jr.	M. Kavanaugh	Kleber F. Price
A. Roy Copeland	J. T. Linton	Edw. P. Prichard
John Henry Cox	A. L. Love	James E. Quill
Fred Creasey	C. C. May	L. Allen Rhoads
Adron Doran	Johnston Miller	Wade H. Riley
J. R. Dorman	W. B. Moser	Amos Runyon

Leon J. Shaikun	Geo. W. Steinford	Speaker Harry
Jno. W. Simmons	Joe Stewart	Lee Waterfield
Faust Y. Simpson	Roy L. Taylor	—43

Those who voted in the negative were—

Chas. W. Anderson	Lee Johnson	F. W. Schuhmann
Henry Arrowood	Wm. E. Justice	Vernon Seaton
Isaac Blevins	G. M. Knuckles	George T. Smith
Jno. W. Burkhart	Homer E. Losey	Robt. J. Spaulding
C. D. Call	Pearl McKinney	E. A. Spencer
Willis Champion	Ed Marcum	Arthur Stallard
Marvin Cornett	Harry L. Moore	Thos. M. Swope
John P. Craig	Herbert V. Moore	C. W. Taylor
Bernie S. Edlin	J. Lee Moore	Egbert V. Taylor
Dr. J. C. Gabbard	L. D. Moore	H. Thieman, Jr.
Chas. B. Gentry	Coy C. Nevitt	Otis C. Thomas
J. D. Gross	Jno. C. Newcomb	E. B. Thompson
Jas. P. Hallahan	Albert W. Pfeiffer	John L. Trumbo
Claude Hammons	Sylvester Phillips	S. J. Wagner
B. C. Holbrook	James T. Philpott	R. E. West
J. J. Huff	C. R. Reeves	Taylor Witt
W. N. Hughes	H. G. Royalty	
W. H. Hunt	Carl Scheben	—52

Amend No. 38 as offered by Mr. Cox is as follows, viz.:

Amend H. B. 35 on page 15, section 17, following line 32 by inserting after line 32 the following:

"(g) Indigent Adult Crippled. For the purpose of aid to the indigent adult crippled of the Commonwealth, to be expended under rules and regulations promulgated by the Department of Welfare,

1944-1945	$20,000.00
1945-1946	$20,000.00"

Without objection said amendment was withdrawn by Mr. Cox.

Mr. Nunn moved that the vote by which the Previous Question was ordered on Amendment No. 32, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Nunn moved that the vote by which said amendment was rejected on yesterday, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, said amendment was agreed to.

(For amendment No. 32 to H. B. 35, see House Journal of yesterday)

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	J. R. Dorman	Johnston Miller
W. G. Biggers	Chas. B. Gentry	W. B. Moser
Douglas T. Bolling	Franklin Goins	C. Sid Nabb
J. C. Bradley	R. M. Hall	Joe E. Nunn
Jno. M. Burkhart	Benton Howard	H. C. Patterson
Chas. W. Burnley	Clyde S. Howard	Chester Peterson
C. D. Call	Jerry F. Howell	J. Gip Prather
Fred Carpenter	Paul S. Jonas	L. W. Preston
Jno. H. Clarke, Jr.	H. Clay Kauffman	Kleber F. Price
A. Roy Copeland	M. Kavanaugh	Edw. P. Prichard
John Henry Cox	J. T. Linton	James E. Quill
Fred Creasey	A. L. Love	C. R. Reeves
Adron Doran	C. C. May	L. Allen Rhoads

Wade H. Riley	Jno. W. Simmons	S. J. Wagner
H. G. Royalty	Faust Y. Simpson	Harry F. Walters
Amos Runyon	Geo. W. Steinford	Speaker Harry
Leon J. Shaikun	Thos. M. Swope	Lee Waterfield

—50

Those who voted in the negative were—

Chas. W. Anderson	Lee Johnson	Vernon Seaton
Henry Arrowood	Wm. E. Justice	George T. Smith
Isaac Blevins	G. M. Knuckles	Robt. J. Spaulding
Willis Champion	Homer E. Losey	E. A. Spencer
Marvin Cornett	Pearl McKinney	Arthur Stallard
John P. Craig	Ed Marcum	C. W. Taylor
Bernie E. Edlin	Herbert V. Moore	Egbert V. Taylor
Dr. J. C. Gabbard	L. D. Moore	H. Thieman, Jr.
J. D. Gross	Coy C. Nevitt	Otis C. Thomas
Jas. P. Hallahan	Jno. C. Newcomb	E. B. Thompson
Claude Hammons	Albert W. Pfeiffer	John L. Trumbo
B. C. Holbrook	Sylvester Phillips	R. E. West
J. J. Huff	James T. Philpott	Taylor Witt
W. N. Hughes	Carl Scheben	
W. H. Hunt	F. W. Schuhmann	

—43

Mr. Prichard moved that the vote by which said amendment was agreed to, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz.:

H. B. 157. An Act to change rate of State tax on amusement admissions, etc.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky

§ 1. Subsection (1) of Section 138.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (4) to (6) of this section, and in KRS 97.130, an excise tax shall be paid on the sale of admission to places of amusement or entertainment at the following rates: If the admission charge is less than ten cents, the rate shall be one cent; if the admission charge is ten cents to twenty cents, the rate shall be two cents; if the admission charge is twenty cents to thirty cents, the rate shall be three cents; if the admission charge is thirty cents to forty cents, the rate shall be four cents; if the admission charge is in excess of forty cents, the rate shall be five cents.

§ 2. A new section of the statutes is created to be numbered KRS 47.110, and to read as follows:

The first seven hundred and fifty thousand dollars of revenue derived each year from the tax imposed by KRS 138.020 shall be credited to the General Fund. All revenue derived from such tax in any year in excess of seven hundred and fifty thousand dollars shall be ear-marked for the acquisition, construction and operation of tuberculosis sanatoria, and is hereby appropriated to the Governor, and to such agency as may be established by the 1944 General Assembly to acquire and construct tuberculosis sanitoria, such appropriations to be expended jointly by the Governor and such agency.

§ 3. WHEREAS, many of the citizens of this Commonwealth are now suffering from the ravages of tuberculosis and

it is essential that immediate relief be provided for them, an emergency is declared to exist and this Act shall take effect thirty days after its approval by the Governor.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of Section 138.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (4) to (6) of this section, and in KRS 97.130, an excise tax shall be paid on the sale of admission to places of amusement or entertainment at the following rates: If the admission charge is less than ten cents, the rate shall be one cent; if the admission charge is ten cents to nineteen cents, the rate shall be two cents; if the admission charge is twenty cents to twenty-nine cents, the rate shall be three cents; if the admission charge is thirty cents to thirty-nine cents, the rate shall be four cents; if the admission charge is in excess of thirty-nine cents, and not in excess of one dollar, the rate shall be five cents plus one cent additional for each ten cents or fractional part thereof in excess of forty cents; if the admission charge is in excess of one dollar, the rate shall be twelve cents plus one cent additional for each ten cents or fractional part thereof in excess of one dollar.

§ 2. The first seven hundred and fifty thousand dollars of revenue derived during each of the fiscal years 1944-1945 and 1945-1946 from the tax imposed by KRS 138.020 shall be credited to the General Fund. All revenue derived from such tax in either of such years in excess of seven hundred and fifty thousand dollars shall be ear-marked to meet, and shall constitute the source of payment of, any appropriation made by the 1944 General Assembly for the acquisition, construction and operation of tuberculosis sanatoria. Any sum so earmarked

during the fiscal year 1944-1945 shall not lapse to the General Fund at the end of such fiscal year, but shall be carried over as a special fund in the following fiscal year. Any revenue from the tax in excess of the amount appropriated for the acquisition, construction and operation of tuberculosis sanatoria shall revert to the General Fund. In order to meet current demands upon the appropriation for the acquisition, construction and operation of tuberculosis sanatoria, the State Treasurer, with the approval of the Commissioner of Finance, may advance out of the General Fund receipts any amount not in excess of the amount of revenue that may reasonably be anticipated to be derived from such appropriation from the tax imposed by KRS 138.020.

§ 3. WHEREAS, many of the citizens of this Commonwealth are now suffering from the ravages of tuberculosis and it is essential that immediate relief be provided for them, an emergency is declared to exist and this Act shall take effect thirty days after its approval by the Governor.

Mr. Preston offered the following amendment to said Substitute, viz.:

Amend H. B. 157 on page 2, section 2 and 3 following line 19 of Section 2, by inserting immediately following line 19 of Section 2 the following:

Section 2-a. Effective as of July 1, 1946, Section 138.020 of the Kentucky Revised Statutes as amended by this Act is hereby repealed.

Said amendment was agreed to.

Mr. Hammons raised the point of order that Mr. Quill, as Chairman of the Committee on Revenue and Taxation to which said bill was referred, had not held a meeting at the time and place scheduled in the House Committee Book but at a later time, secured the signatures of members of the

Committee and reported said bill to the House with the expression of opinion that said bill ought not to pass.

The Speaker appointed Messrs. Linton, Gross, Royalty and Thompson as a Committee to investigate any irregularities and to settle the differences between the gentleman from Knox and the gentleman from Kenton.

Mr. Preston moved the Previous Question on said bill.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Harry W. Ennis	W. H. Hunt
Henry Arrowood	Dr. J. C. Gabbard	Lee Johnson
W. G. Biggers	Chas. B. Gentry	Wm. E. Justice
Isaac Blevins	J. D. Gross	H. Clay Kauffman
Douglas T. Bolling	Jas. P. Hallahan	G. M. Knuckles
J. C. Bradley	Claude Hammons	J. T. Linton
Jno. M. Burkhart	B. C. Holbrook	Homer E. Losey
Willis Champion	Benton Howard	A. L. Love
Marvin Cornett	Jerry F. Howell	Pearl McKinney
John P. Craig	J. J. Huff	Ed Marcum
Bernie E. Edlin	W. N. Hughes	Johnston Miller

Harry L. Moore	J. Gip Prather	Arthur Stallard
Herbert V. Moore	L. W. Preston	Geo. W. Steinford
J. Lee Moore	Kleber F. Price	Joe Stewart
L. D. Moore	C. R. Reeves	Egbert V. Taylor
W. B. Moser	Wade H. Riley	H. Thieman, Jr.
Coy C. Nevitt	F. W. Schuhmann	Otis C. Thomas
Joe E. Nunn	Vernon Seaton	John L. Trumbo
Albert W. Pfeiffer	Jno. W. Simmons	R. E. West
Sylvester Phillips	Robt. J. Spaulding	Taylor Witt
James T. Philpott	E. A. Spencer	—62

Those who voted in the negative were—

F. H. Bassett, Jr.	Clyde S. Howard	Faust Y. Simpson
Chas. W. Burnley	Paul S. Jonas	George T. Smith
C. D. Call	M. Kavanaugh	C. W. Taylor
Fred Carpenter	C. C. May	Roy L. Taylor
A. Roy Copeland	Jno. C. Newcomb	E. B. Thompson
John Henry Cox	H. C. Patterson	S. J. Wagner
Fred Creasey	James E. Quill	Harry F. Walters
Franklin Goins	L. Allen Rhoads	Speaker Harry
R. M. Hall	Carl Scheben	Lee Waterfield
		—26

Resolved that the title thereof be as aforesaid.

Mr. Preston moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. J. Lee Moore moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired the Speaker resumed the Chair and called the House to order.

The hour of three o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz:

H. B. 245. An Act relating to higher education for negroes.

Mr. C. W. Anderson moved that immediate consideration of said bill be postponed until final disposal of H. B. 35 known as the Budget Bill.

Said motion was agreed to.

Mr. Shaikun arose to a point of person privilege and stated that he was absent from the House Chamber during the roll call on the passage of H. B. 157 and therefore it was not he who voted in the affirmative when his name was called.

Mr. Shaikun asked the unanimous consent of the House to direct the Clerk to expunge his vote from the roll call on said bill.

Without objection, it was so ordered.

The house resumed consideration of H. B. 35.

With amendments thereto as adopted by the House.

(For bill and amendments see House Journal of today ante)

Amend No. 39 as offered by Mr. Simpson is as follows, viz:

Amend H. B. 35 on page 11, Section 14e lines 19 and 20 by striking out the words "$10,000.00" in lines 19 and 20 and adding in lieu thereof the words "$90,000.00" in each line.

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affiirmative were—

Chas. W. Anderson	Jas. P. Hallahan	C. Sid Nabb
Henry Arrowood	Claude Hammons	Coy C. Nevitt
W. G. Biggers	B. C. Holbrook	Jno. C. Newcomb
Isaac Blevins	Benton Howard	Chester Peterson
Douglas T. Bolling	Jerry F. Howell	Albert W. Pfeiffer
J. C. Bradley	J. J. Huff	Sylvester Phillips
Jno. W. Burkhart	W. N. Hughes	James T. Philpott
Chas. W. Burnley	W. H. Hunt	J. Gip Prather
Fred Carpenter	Lee Johnson	L. W. Preston
Willis Champion	Wm. E. Justice	Kleber F. Price
A. Roy Copeland	H. Clay Kauffman	Edw. P. Prichard
Marvin Cornett	G. M. Knuckles	C. R. Reeves
John Henry Cox	J. T. Linton	Wade H. Riley
John P. Craig	Homer E. Losey	H. G. Royalty
Fred Creasey	Pearl McKinney	Carl Scheben
Adron Doran	Ed Marcum	F. W. Schuhmann
J. R. Dorman	C. C. May	Vernon Seaton
Bernie S. Edlin	Johnston Miller	Leon J. Shaikun
Harry W. Ennis	Harry L. Moore	Jno. W. Simmons
Dr. J. C. Gabbard	Herbert V. Moore	Robt. J. Spaulding
Chas. B. Gentry	J. Lee Moore	E. A. Spencer
Franklin Goins	L. D. Moore	Arthur Stallard
J. D. Gross	W. B. Moser	Thos. M. Swope

Egbert V. Taylor	E. B. Thompson	R. E. West	
H. Thieman, Jr.	John L. Trumbo	Taylor Witt	
Otis C. Thomas	Harry F. Walters		—77

Those who voted in the negative were—

F. H. Bassett, Jr.	A. L. Love	C. W. Taylor	
C. D. Call	James E. Quill	Roy L. Taylor	
Jno. H. Clarke, Jr.	L. Allen Rhoads	S. J. Wagner	
R. M. Hall	Faust Y. Simpson	Speaker Harry	
Clyde S. Howard	George T. Smith	Lee Waterfield	
Paul S. Jonas	Geo. W. Steinford		
M. Kavanaugh	Joe Stewart		—18

Resolved that the title thereof be as aforesaid.

Mr. Shaikun moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills and a resolution entitled:

H. B. 186. An Act relating to toll bridges and ferries.

H. B. 33. An Act relating to the licensing of operators of motor vehicles.

H. B. 93. An Act relating to the number and compensation of circuit court clerks in counties containing a population of 75,000 or more.

H. Res. 19. Resolution appropriating the sum of $300.00 as payment for the sound equipment used in the House of Representatives during the 1944 Regular Session of the General Assembly.

Thereupon all other business was suspended, said bills and resolution were read at length and compared in open session and found to be correctly enrolled and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and resolution to the Senate.

After a time the Enrolling Clerk aforesaid delivered the enrolled and original copies of said bills and resolution duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Thereupon the House took up for consideration the Special Order which was set for three o'clock P. M., viz:

H. B. 245. An Act relating to education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section. 1. That section 158.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each board of education shall maintain separate schools for the white and Colored children residing in its district.

(2) Except as provided in subsection (3) of this section,

(a) No person shall operate or maintain any college, school or institution where persons of both the white and Colored races are received as pupils.

(b) No instructor shall teach in any college, school or institution where persons of both the white and Colored races are received as pupils.

(c) No white person shall attend any college, school or institution where Colored persons are received as pupils or receive instruction.

(d) No Colored person shall attend any college, school or institution where white persons are received as pupils or receive instruction.

(3) The provisions of this section do not apply to any penal institution or house of reform, nor is this section intended to prevent instruction in courses of graduate grade or on the professional level, in any institution of higher learning for white or Colored students, or in any such institution where peoples of the two races are taught professional or graduate courses of study.

Section 2. That section 158.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of paragraph (a) or (b) of subsection (2) of KRS 158.020 shall be fined one thousand dollars, and any person who continues to violate such provisions after being convicted shall be fined one hundred dollars for each day the violation continues.

(2) Any person who violates any of the provisions of paragraph (c) or (d) of subsection (2) of KRS 158.020 shall be fined fifty dollars for each day the violation occurs.

(3) Any person who violates any of the provisions of KRS 158.180 shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the County jail for not less than thirty days nor more than six months, or both.

(4) Failure of a teacher to conform to KRS 158.170 is cause for revocation of his certificate.

Mr. Anderson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

The yeas and nays being taken thereon, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	Paul S. Jonas	Vernon Seaton
Henry Arrowood	H. Clay Kauffman	Leon J. Shaikun
Willis Champion	J. T. Linton	E. A. Spencer
Bernie S. Edlin	Pearl McKinney	Arthur Stallard
Harry W. Ennis	Ed Marcum	Joe Stewart
Dr. J. C. Gabbard	Harry L. Moore	Egbert V. Taylor
J. D. Gross	Herbert V. Moore	H. Thieman, Jr.
Jas. P. Hallahan	Coy C. Nevitt	Otis C. Thomas
Claude Hammons	Jno. C. Newcomb	E. B. Thompson
B. C. Holbrook	Albert W. Pfeiffer	John L. Trumbo
J. J. Huff	Sylvester Phillips	R. E. West
W. N. Hughes	Edw. P. Prichard	Taylor Witt
W. H. Hunt	Carl Scheben	
Lee Johnson	F. W. Schuhmann	—40

Those who voted in the negative were—

F. H. Bassett, Jr.	Franklin Goins	L. W. Preston
J. C. Bradley	R. M. Hall	Kleber F. Price
Jno. W. Burkhart	Benton Howard	James E. Quill
Chas. W. Burnley	Jerry F. Howell	C. R. Reeves
C. D. Call	M. Kavanaugh	Wade H. Riley
Jno. H. Clarke, Jr.	G. M. Knuckles	H. G. Royalty
A. Roy Copeland	A. L. Love	Faust Y. Simpson
Marvin Cornett	Johnston Miller	George T. Smith
John Henry Cox	J. Lee Moore	Geo. W. Steinford
John P. Craig	W. B. Moser	Thos. M. Swope
Adron Doran	C. Sid Nabb	C. W. Taylor
J. R. Dorman	James T. Philpott	Speaker Harry
Chas. B. Gentry	J. Gip Prather	Lee Waterfield

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Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	W. N. Hughes	Sylvester Phillips
Henry Arrowood	W. H. Hunt	Edw. P. Prichard
Isaac Blevins	Lee Johnson	James E. Quill
Willis Champion	Paul S. Jonas	L. Allen Rhoads
Marvin Cornett	G. M. Knuckles	Carl Scheben
Bernie S. Edlin	Pearl McKinney	F. W. Schuhmann
Dr. J. C. Gabbard	Harry L. Moore	Vernon Seaton
Jas. P. Hallahan	Herbert V. Moore	Leon J. Shaikun
Claude Hammons	Coy C. Nevitt	George T. Smith
B. C. Holbrook	Jno. C. Newcomb	E. A. Spencer
J. J. Huff	Albert W. Pfeiffer	Arthur Stallard

Joe Stewart	E. B. Thompson	R. E. West	
Egbert V. Taylor	John L. Trumbo	Taylor Witt	
H. Thieman, Jr.	S. J. Wagner		—41

Those who voted in the negative were—

F. H. Bassett, Jr.	R. M. Hall	James T. Philpott	
Douglas T. Bolling	Benton Howard	J. Gip Prather	
J. C. Bradley	Clyde S. Howard	L. W. Preston	
Jno. M. Burkhart	Jerry F. Howell	Kleber F. Price	
Chas. W. Burnley	H. Clay Kauffman	C. R. Reeves	
C. D. Call	M. Kavanaugh	Wade H. Riley	
John H. Clarke, Jr.	J. T. Linton	H. G. Royalty	
A. Roy Copeland	A. L. Love	Jno. W. Simmons	
John Henry Cox	Ed Marcum	Faust Y. Simpson	
John P. Craig	C. C. May	Geo. W. Steinford	
Adron Doran	Johnston Miller	Thos. M. Swope	
J. R. Dorman	J. Lee Moore	C. W. Taylor	
Chas. B. Gentry	W. B. Moser		
Franklin Goins	C. Sid Nabb		—40

Mr. Shaikun offered the following amendment to the title of said bill, viz:

Amend the title to H. B. 245 by adding to the title the following language:

"This bill shall be known as the Anderson Bill."

Said amendment was agreed to.

Mr. Anderson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. J. Lee Moore moved that when the House adjourn today it adjourn to meet again on Monday, February 28 at seven-thirty P. M.

Said motion was agreed to.

A message was received from the Senate announcing that they had adopted a resolution which originated in that body as follows, viz:

S. Res. 37. A concurrent resolution relating to sine die adjournment.

Be It Resolved by the Senate of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives adjourn on March 15, 1944, they do adjourn sine die.

Said resolution was then concurred in.

Without objection the following bills and resolutions were introduced, viz:

By Mr. Dorman.

H. B. 378. An Act to amend Sec. 92.590 (2) KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.590(2) of Kentucky Revised Statutes is amended to read as follows:

Section 92.590(2). In cities of the second class, taxpayers owing ad valorem taxes shall pay them, without demand therefor, at the treasurer's office. The taxpayer may pay the whole tax at any time after the tax bills have been made out and delivered to him, and the legislative body of cities of the second class may provide, by ordinance, before April 1st of any such year that said taxes paid during the month of April in that year in which said taxes are due and

payable shall be reduced by a discount of not less than one percent or not greater than three percent, and that said taxes paid during the month of May, in that year in which said taxes are due and payable may, by said ordinance, be reduced by a discount of not less than one-half of one percent or greater than two percent. Taxes not paid within one calendar month after they are due shall be deemed delinquent and shall have added to them a penalty of ten percent, and shall thereafter bear interest at the rate of one-half of one percent for each month or fraction of a month until paid, or until the property of the delinquent has been sold for the tax. When taxes are paid the treasurer shall note on the stub of the bill the amounts paid and the date thereof, and shall deliver the receipted bill, countersigned by the auditor, to the taxpayer. When any person desires to pay taxes on any one item of real estate in a tax bill he shall be allowed to do so, if the city's interest will not be prejudiced thereby, and shall be given a receipt showing the date and the amount of the payment, the number of the tax bill, the name of the person against whom the tax bill is made out and a sufficient description to identify the property on which the taxes are paid. A corresponding notation shall be made on the tax bill and the stub, and the city's lien shall thereupon stand released as to that property, but the tax bill shall not be surrendered until paid in full.

By Mr. Linton.

H. B. 379. An Act relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 132.560 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

(1) The county tax commissioner shall upon the assessment schedule allow, household and personal property exemptions to a property owner with a family not to exceed two hundred and fifty dollars ($250). The exemption shall first be applied to property subject to both state and local tax rates and if the assessment of personal property subject to state and local rates is less than $250.00 the remaining portion of the exemption shall be applied to personal property subject to only a state rate.

(2) The county tax commissioner shall transfer from the assessment schedule to the tax roll only that portion of property assessments upon which ad valorem tax rates are applicable.

(3) Property owners assessed with personal property by the county board of supervisors shall be permitted the two hundred and fifty dollar ($250) household exemption in the same manner as outlined for the county tax commissioner.

By Mr. Creasey.

H. B. 380. An Act for the protection of persons under eighteen years of age selling newspapers at retail.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who obtains newspapers from a person under eighteen years of age engaged in selling newspapers at retail, without paying therefor, with intent to defraud such person selling newspapers, shall be fined not more than twenty-five dollars or imprisoned not more than thirty days, or both.

§ 2. Proof that any person refused or neglected to pay for such newspapers upon demand shall be prima facie evidence of the fraudulent intent contemplated by this Act.

By Mr. Quill.

H. B. 381. An Act relating to Unemployment Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That subsection (3) of Kentucky Revised Statutes 341.380 is amended to read as follows:

"The maximum amount of benefits payable to any worker within any benefit year or benefit period shall be the amount in column 'D' of Table 'A' which appears on the same line with 'Base-Period Wages' or 'Base Year Wages' of such worker as shown in Column 'B' of the same table.

TABLE A

Wage Class	Base Period Wages or Base Year Wages	Benefit Rate	Maximum Amount
(A)	(B)	(C)	(D)
0	Less than — $ 200.00	$ 0.00	$ 0.00
1	$ 200.00 — 334.99	5.00	100.00
2	335.00 — 434.99	6.00	120.00
3	435.00 — 534.99	7.00	140.00
4	535.00 — 639.99	8.00	160.00
5	640.00 — 749.99	9.00	180.00
6	750.00 — 864.99	10.00	200.00
7	865.00 — 984.99	11.00	220.00
8	985.00 — 1,114.99	12.00	240.00
9	1,115.00 — 1,254.99	13.00	260.00
10	1,255.00 — 1,414.99	14.00	280.00
11	1,415.00 — 1,594.99	15.00	300.00
12	1,595.00 — or over	16.00	320.00"

By Mr. Wagner.

H. B. 382. An Act regulating and providing for the licensing of manufacturers, wholesalers, jobbers and retailers of foods and drugs.

Said bill is as follows, viz:

WHEREAS, the extension of operations by manufacturers and wholesalers of foods and drugs into the retail field has resulted in destructive monopolies and has hampered individual enterprise as guaranteed under the Constitutions of Kentucky and the United States, and

WHEREAS, the regulation of the manufacturing, wholesaling and retailing of foods and drugs is necessary in the interest of public health, NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act unless the context requires otherwise:

(1) "Retailer" means any person who sells food or drugs at retail to consumers.

(2) "Wholesaler" or "jobber" means any person who sells or distributes foods or drugs to retail outlets for purpose of retail to consumers.

(3) "Manufacturer" means any person who makes, processes or packages foods or drugs for sale or distribution through wholesale or retail outside to consumers, but does not include a person who merely grows food products.

§ 2. No person shall engage in business in this state as retailer, wholesaler, jobber or manufacturer until he has paid the license tax prescribed by Section 3 of this Act and has

obtained a license therefor. A separate license shall be required for each premises on which business is carried on.

§ 3. There shall be the following kinds of licenses, the annual fee for which shall be:

(1)	Food Retailer	$ 1.00
(2)	Drug Retailer	1.00
(3)	Food Wholesaler or Jobber	25.00
(4)	Drug Retailer or Jobber	25.00
(5)	Food Manufacturer	100.00
(6)	Drug Manufacturer	100.00

§ 4. The license year shall begin on July 1 of each year and expire on June 30 of the following year. Any person who is engaged in business during less than the license year shall nevertheless be required to pay the full annual license fee.

§ 5. (1) A food retailer's license shall authorize the licensee to engage in the business of food retailer only at the licensed premises only.

(2) A drug retailer's license shall authorize the licensee to engage in the business of a drug retailer only at the licensed premises only.

(3) A food wholesaler's or jobber's license shall authorize the licensee to engage in the business of food wholesaler or jobber only from the licensed premises only.

(4) A drug wholesaler's or jobber's license shall authorize the licensee to engage in the business of drug wholesaler or jobber only from the licensed premises only.

(5) A food manufacturers license shall authorize the licensee to engage in the business of food manufacturer only from the licensed premises only.

A drug manufacturer's license shall authorize the licensee to engage in the business of drug manufacturer only from the licensed premises only.

§ 6. (1) Except as provided in subsections (2), (3), (4) and (5) of this section, each kind of license listed in Section 3 of this Act shall be inconsistent with every other kind listed in that section and no person holding a license of any of those kinds shall apply for or hold a license of another kind listed in that section.

(2) The holder of any license relating to food may also hold the corresponding license relating to drugs.

(3) Any person may hold two or more licenses of the same kind.

(4) A person holding a food manufacturer's license whose business solely consists of that of meat packer, may also hold a wholesaler's or jobber's license.

(5) A holder of a food manufacturer's license whose business consists solely of a bakery business may also hold a retailer's food license for the same premises for which the manufacturer's license is issued.

§ 7. This Act shall be administered by the Department of Revenue which shall have authority to make all necessary Rules and regulations for administration and enforcement.

§ 8. Any person who violates any provision of this Act shall be fined not more than one thousand dollars for each offense, and each day that a person engages in business in violation of this Act shall constitute a separate offense.

By Mr. Copeland.

H. B. 383. An Act to exempt boards of education from the payment of the State gasoline tax in vehicles used for transportation of children to the public schools.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. All boards of education in this Commonwealth, which own and operate school buses for the transportation of children to and from the common schools, shall be exempt from the payment of the gasoline tax set out in KRS 138.220. This exemption shall apply only to gasoline used in vehicles which are owned entirely by a board of education and operated by it for the transportation of children.

2. The Department of Revenue shall prepare forms to be sent to each board of education and gasoline dealer in this Commonwealth, on which may be shown the amount of gasoline purchased, the date purchased, and other data which may be required for office records. These forms and records shall be kept by the dealer in the same manner as is provided in KRS 138.230 for dealers' records, and a copy countersigned by each dealer shall be kept on file in the office of each board of education which provides transportation. Such records shall be kept for at least one year from date of purchase of gasoline.

By Mr. Herbert Moore.

H. B. 384. An Act creating a Bureau of Boiler Inspection, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a Bureau of Boiler Inspection shall be and is hereby created and established to be in the charge and under the supervision of a chief boiler inspector. Upon this Act becoming a law, the Governor shall appoint a chief boiler

inspector who shall have had at least five years actual experience in the construction, installation, maintenance, inspection and repair of steam boilers and appurtenances, who shall have a knowledge of the operation of boilers and of the mechanical practices respecting the same. The chief boiler inspector shall thereafter examine all applicants for Assistant Boiler Inspectors to determine if they have the necessary five years actual experience in the manufacture, construction, installation and inspection of steam boilers and appurtenances, and recommend for appointment as Assistant boiler inspectors such applicants in the order of their relative standing after their examination respecting their ability and fitness for the position. The Governor to appoint such applicant or applicants as are fitted for the position.

Section 2. The chief boiler inspector shall be entitled to one or more assistant boiler inspectors to aid him in the necessary work of the Bureau of Boiler Inspection, provided that no more than one assistant boiler inspector may be employed during the first year after this Act becomes a law, nor thereafter, unless or until a full and complete report has been made to the Governor and his consent obtained therefor; it is further provided that if and when inspectors for municipalities or insurance companies within this State shall apply for license, he or they shall be examined as to their ability and fitness to inspect and test boilers. Such licensed municipal or insurance inspectors shall be authorized to make boiler inspections and tests, and when so made shall file a report of same with the chief boiler inspector on forms to be furnished by the Bureau of Boiler Inspection, giving the data and information required, together with any additional information relating to such inspection and test as may be important or significant of the condition of such steam boiler appurtenances or related equipment designated in this Act. Reports of such municipal or insurance inspectors shall be accompanied with one-half of the regulation fee for such inspection.

Section 3. It shall be the duty of such Chief Boiler Inspector, and his assistants, one or all of them, after giving notice in writing to the owner, or user, of at least one week in advance, of the intention to inspect or cause to be inspected and tested, and to inspect all steam boilers and appurtenances required to carry more than fifteen pounds per square inch of steam and unfired pressure vessels, air drums and all tanks of twenty-four inches or more in diameter, within this State, according to the methods to be approved by the chief boiler inspector for such inspection, and tests. And the Bureau of Boiler Inspection, hereby created, shall keep and maintain a concise record in card index form of the types, capacities and current condition of all steam boilers and appurtenances, designated herein, and used within this State; and it shall be the duty of the said chief boiler inspector to make an annual report showing the work of the Bureau, together with his recommendations for changes and improvements, as he may deem prudent and necessary. Before the chief boiler inspector or his assistant boiler inspectors, shall enter upon his or their respective duties, he, him, or they, shall execute surety bonds in the amount of $2,500 for the faithful performance of his or their duties as such; which bond shall be paid for by the State Treasurer, and be deposited in the custody of the Governor. Such chief boiler inspector shall receive a salary of $3,600.00 per year, payable semi-monthly. The assistant boiler inspectors shall receive a salary of $250.00 per month, payable semi-monthly. The chief boiler inspector and the assistant boiler inspectors shall be entitled to receive expenses for hotel bills, transportation and necessary incidental expenses.

Section 4. It shall be the duty of the chief boiler inspector, hereby created, to make rules and regulations, which shall be in general conformity with the boiler code of the American Society of Mechanical Engineers, for the manufacture, construction, installation, maintenance, repair, inspection and

operation of steam boilers, appurtenances and unfired pressure vessels. Boilers subject to the rules and regulations of the Interstate Commerce Commisison, Department of Commerce, and boilers used for agricultural and horticultural purposes are excluded from the provisions of this Act.

Section 5. It shall be the duty of the chief boiler inspector and his assistant boiler inspectors, to require the owners, agents, managers, lessors and users of all steam boilers and appurtenances, designated herein, to conform to the rules and regulations established by this Act, for the safe operation thereof. At the time of the first inspection, the chief boiler inspector, or his assistant boiler inspectors, or designated insurance or city boiler inspectors, shall issue to such owners, agents, managers, lessors or users, a certificate which shall contain the specifications and allowable working pressure of the boiler or boilers owned or used by such person, firm or corporation, which certificate shall specify the condition, repairs or alterations, if any, to be made before such boiler or appurtenances, designated herein, shall be permitted to be used.

Section 6. It shall be the duty of the owners, agents, managers, lessors or users, of a boiler or boilers, upon receiving notice from the chief boiler inspector, or any of his assistant boiler inspectors, to prepare such boiler or boilers for inspection and test; and before installation of any new or second hand boiler or boilers shall be made, a permit shall be obtained by the owner, agent, manager, lessors or purchasers thereof, showing the specifications for same, to do so, from the Bureau of Boiler Inspection, at least thirty (30) days prior to starting work in connection therewith; the application for such permit shall be accompanied by a minimum fee of fifty cents to cover mailing charges and filing costs;—in emergencies that would cause the loss or damage of property, or danger to persons, by any delay in obtaining a permit, the

owner or user may proceed immediately with installation as necessary to protect property and promote safety.

Section 7. Every person, firm or corporation, engaged in or desiring to engage in the manufacture, installation, maintenance and repair of steam boilers and appurtenances, designated herein, within the State of Kentucky shall obtain a license from the Bureau of Boiler Inspection, permitting him, her, it or them to do so, which license shall be effective for one calendar year only, for which a fee of $10.00 for the first year shall be paid to the Bureau of Boiler Inspection, and thereafter a fee of $5.00 per year shall be paid for the renewal of such license, providing the Chief Boiler Inspector shall examine such person, firm or corporation as to their experience, ability and fitness to satisfactorily conduct such business, and such person, firm or corporation shall thereafter certify to the Bureau of Boiler Inspection the names, qualifications and address of such employee or those entering such employ, or the employ of subcontractors of such person, firm or corporation, who shall thereafter be held responsible for the work and safety of such employees during their employment.

Section 8. It shall be the duty of such owner, agent, manager, lessor or user of steam boilers and appurtenances, designated herein, to pay for one authorized inspection and test for each calendar year (or as frequently as in the judgment of the inspector it may be necessary or advisable, but not more than one annual fee shall be charged in any calendar year) a fee of $2.00 for each steam boiler and appurtenances, designated herein, which is to be subjected to a working pressure of 15 to 50 pounds to the square inch, and $3.00 for each boiler and appurtenances, designated herein, which is to be subjected to a working pressure of 50 to 150 pounds to the square inch, and $5.00 for each boiler and appurtenances, designated herein, which is to be subjected to a working pres-

sure of over 150 pounds to the square inch, provided that where boilers are set in batteries of two or more, the fee to be charged after inspection and test of the first boiler unit, shall be one third of the regular fee for each inspection made thereafter until the full complement of the steam boilers and appurtenances, designated herein, has been inspected for the calendar year. The official receipt for such fee herein provided, shall also be a certificate of inspection and said certificate shall plainly show what working pressure is to be allowed, and what repairs, alterations or work, if any, shall be required to be done to such steam boilers, and appurtenances, before the same shall be permitted to be started in, or resume operation.

Section 9. For the first twelve months of the operation of the Bureau of Boiler Inspection, hereby established, an appropriation shall be made out of the State Funds not otherwise appropriated, the amount of $15,000.00.

Section 10. All fees, income or monies collected by the chief boiler inspector, shal be turned over to the State Treasurer to be placed to the credit of the Bureau of Boiler Inspection, and to be used in payment of vouchers issued against such funds.

Section 11. The Bureau of Boiler Inspection, hereby established, and the chief boiler inspector shall be associated and have his offices in connection with the State Labor Department.

Section 12. The violation of any of the provisions of this Act for one day or for each twenty-four hour period thereafter, shall be considered a misdemeanor and upon conviction thereof, the person responsible shall be punishable by a fine or not less than $100.00 nor more than $500.00, or by imprisonment for not less than thirty (30) days, nor more than ninety (90) days, or both such fine and imprisonment.

By Messrs. Burnley, Copeland and Love.

H. B. 385. An Act relating to intra-state toll bridges, etc.

Said bill is as follows, viz.:

WHEREAS, certain intra state toll bridges in the Commonwealth of Kentucky have been owned and operated as toll bridges for a period of ten years or more and during said time the citizens and residents located in the immediate vicinity of said intra state toll bridges have been required to pay toll to retire the bonds thereon for a period of ten years or more, and

WHEREAS, the said payment of toll has greatly affected the growth and prosperity of these communities, and

WHEREAS, at this time there is a great necessity for the use of these bridges in facilitating the transportation of raw materials in the furtherance of the war effort, and

WHEREAS, it now appears that all the intra state bridges where toll has been collected for a period of more than ten years are now included in Toll Bridge Bond Project No. 1 of the Commonwealth of Kentucky, and

WHEREAS, it further appears that on December 31, 1943, a balance remained in the sinking fund of said project in the sum of $262,516.76, and

WHEREAS, there is a residue in the sinking funds of other bridge projects, to-wit: Projects Nos. 9, 10, 12 and 14, which was not necessary for the retirement of the bonds on the above mentioned projects, and

WHEREAS, it is estimated that between January 1, 1944, and June 30, 1944, there will be approximately $200,000.00 collected by way of tolls on the intra state bridges herein mentioned, and

WHEREAS, the three above-mentioned amounts can be used for the purpose of retiring the intra state bridge bonds hereinabove mentioned,

NOW, THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is hereby appropriated and made available out of the State Highway Road Fund the sum of one million, two hundred and fifty thousand, nine hundred and eight-one dollars and twenty-five cents ($1,250,981.25) to be set aside and used by the Commissioner of Highways of the Commonwealth of Kentucky for the purpose of paying and retiring all State revenue toll bridge bonds on any and all intra state toll bridges in the Commonwealth of Kentucky where said toll bridges have been owned, maintained, operated, and tolls collected thereon by the Commonwealth of Kentucky for a period of ten years or more.

2. The appropriation herein provided is in addition to and is to supplement all sums in the sinking fund of said intra state toll bridge projects at the time the bonds are called for payment as herein provided.

3. The Commissioner of Highways is hereby ordered and directed to transfer the sum of one hundred and ninety-eight thousand, five hundred and forty-five dollars and eighteen cents ($198,545.18) now remaining in the sinking funds for State Toll Bridge Projects Nos. 9, 10, 12 and 14, as the bridges in said projects are now free and all of the revenue bonds for which the said sinking funds were created have been discharged and paid in full, and when said sum has been transferred as herein directed, it is hereby appropriated to the sinking fund containing intra state toll bridge projects where tolls have been collected by the Commonwealth of Kentucky for ten years of more and it is to be used for the pay-

ment and retirement of the revenue bonds of the Commonwealth of Kentucky against said bridge projects.

4. The Commissioner of Highways shall free on July 1, 1944, all of said intra state toll bridges now owned, operated and maintained by the Commonwealth of Kentucky, Department of Highways, where the Commonwealth of Kentucky has collected tolls thereon for a period of ten years or more.

5. The Commissioner of Highways is ordered and directed to call all outstanding revenue bonds against any of the intra state bridges owned, operated, and maintained by the Commonwealth of Kentucky, Department of Highways, and where tolls have been collected by the Commonwealth of Kentucky for a period of ten years or more, within thirty days prior to July 1, 1944, that being the next interest payment date on all State toll bridge revenue bonds.

6. The Commissioner of Highways will cause to be collected tolls on the bridges mentioned in this act until 12:00 midnight June 30, 1944, and all funds collected until that date and all funds remaining in the toll bridge projects sinking funds of the bridges mentioned in this act, together with the appropriation herein provided for, shall be used for the retirement of the revenue bonds on said bridges and any part of this appropriation herein made or any part of the funds collected by way of tolls not necessary for the payment of the revenue bonds, interest and premium as required in the trust indentures, shall revert to and become a part of the State Highway Road Fund.

By Mr. Hunt.

H. Res. 62. Resolution for the payment of $120.00 to D. A. Woodburn, the same being the amount paid by him into the Unemployment Insurance Fund.

Said resolution is as follows, viz.:

WHEREAS, during the years 1936, 1937, 1938 and 1939 D. A. Woodburn, while employed by the Louisville Gas & Electric Company, had deducted from his wages and paid into the Unemployment Insurance Fund the sum of One Hundred Twenty Dollars ($120.), and

WHEREAS, the said D. A. Woodburn reached the age of retirement and was retired by the Louisville Gas & Electric Company on April 30, 1940, and

WHEREAS, it is claimed by the Unemployment Compensation Commission that the said D. A. Woodburn is not entitled to receive the benefits of unemployment because of the fact that he has received since his retiremnt, and now receives, a small pension from the Louisville Gas & Electric Company, which pension is paid in recognition of his years of previous service to said Company, and

WHEREAS, it is unfair and unjust to deprive the said D. A. Woodburn of the money earned by him and deposited by his employers in said fund, NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the said D. A. Woodburn be, and he is hereby, allowed the sum of ONE HUNDRED TWENTY DOLLARS ($120.), the same being the amount deducted from his wages and paid into the Unemployment Insurance Fund by his employer, The Louisville Gas & Electric Company, and the same is hereby appropriated out of the money of the Unemployment Insurance Fund, and the Unemployment Commission is hereby directed to draw its warrant upon the State Treasurer for the amount stated in this resolution, in favor of the said D. A. Woodburn.

By Messrs. Preston and Stewart.

H. Res. 63. Resolution relating to the establishment of boundary lines between the counties of Barren, Hart and Edmonson.

Said resolution is as follows, viz.:

WHEREAS, the boundary lines between the counties of Barren, Hart and Edmonson are not well established and the true location of such boundary lines is in dispute, NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That there is created a commission for the purpose of making an adequate and suitable survey of the boundary lines between the counties of Barren, Hart and Edmonson, and determining the true location and course of such boundary lines.

Sec. 2. That the commission shall consist of two persons appointed by the Speaker of the House of Representatives, two persons appointed by the Lieutenant Governor and the county attorneys of Barren, Hart and Edmonson Counties. The persons appointed by the Speaker of the House of Representatives and the Lieutenant Governor shall be persons who are not residents of the counties in question. One of the members appointed by the Speaker of the House of Representatives shall be designated by him as chairman of the commission. The members of the commission shall serve without compensation but shall be reimbursed for necessary traveling expenses.

Sec. 3. The commission hereby established shall cause an adequate and suitable survey to be made of the boundaries between the counties of Barren, Hart and Edmonson, and may employ a surveyor or surveyors for the purpose. Upon the basis of such survey and upon such other information as may be available, the commission shall determine and shall report to the 1946 General Assembly what it finds to be the true boundary lines.

Sec. 4. There is hereby appropriated to the commission, out of the General Fund, for the purposes set forth in this resolution, the sum of two thousand, five hundred dollars.

Ordered that said bills and resolutions be printed and referred.

By Mr. Howell.

H. Res. 61. Resolution authorizing Jerry Hall to sue the Commonwealth.

Ordered that said resolution be referred to the Committee on Claims.

Mr. Bolling moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 28, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	J. C. Bradley	Marvin Cornett
Henry Arrowood	Jno. W. Burkhart	John Henry Cox
F. H. Bassett, Jr.	Chas. W. Burnley	John P. Craig
W. G. Biggers	C. D. Call	Fred Creasey
Isaac Blevins	Willis Champion	Thos. S. Dawson
Douglas T. Bolling	John H. Clarke, Jr.	Adron Doran

J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Wagner moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

The Speaker announced the following as members constituting a Committee on Conference to meet with a like Committee on the part of the Senate to study bills pending

in each of the said Houses, proposing amendments to the Constitution of the Commonwealth of Kentucky:

Claude Hammons	Egbert V. Taylor	J. Gip Prather
Thos. M. Swope	Clyde S. Howard	

The Speaker announced the personnel of the Committee on Rules, as follows, viz.:

Harry Lee Waterfield, Chairman Ex Officio	R. M. Hall	Kleber F. Price
	Benton Howard	Edw. P. Prichard
	Clyde S. Howard	James E. Quill
F. H. Bassett, Jr.	Jerry F. Howell	C. R. Reeves
W. G. Biggers	Paul S. Jonas	L. Allen Rhoads
Douglas T. Bolling	H. Clay Kauffman	H. G. Royalty
J. C. Bradley	M. Kavanaugh	Amos Runyon
Jno. W. Burkhart	J. T. Linton	Carl Scheben
Chas. W. Burnley	A. L. Love	Vernon Seaton
C. D. Call	Pearl McKinney	Jno. W. Simmons
Fred Carpenter	C. C. May	Faust Y. Simpson
John H. Clarke, Jr.	Harry L. Moore	Leon J. Shaikun
A. Roy Copeland	J. Lee Moore	George T. Smith
Marvin Cornett	L. D. Moore	Geo. W. Steinford
John Henry Cox	W. B. Moser	Joe Stewart
Fred Creasey	C. Sid Nabb	Thos. M. Swope
Adron Doran	Joe E. Nunn	Roy L. Taylor
J. R. Dorman	H. C. Patterson	S. J. Wagner
Harry W. Ennis	Chester Peterson	Harry F. Walters
Franklin Goins	J. Gip Prather	R. E. West
J. D. Gross	L. W. Preston	

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 91. An Act relating to charters of the cities of the second and third classes, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) At the time or before or after the issuance of revenue bonds for the acquisition, extension or maintenance of a system of water works or electric light, heat and power plants in cities of the second and third classes, which bonds do not represent the general obligation of the city, and city legislative body shall, by ordinance, set aside and pledge the income and revenue of any such municipally owned utility into a separate and special fund to be used and applied in the payment of the cost thereof, and in the maintenance, operation and depreciation thereof, and for the purposes hereinafter set out. The ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of the principal and interest of the bonds, and the portion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, and the portion to be set aside for the reasonable and proper operation and maintenance of the utility, and may provide that the surplus not needed for the purposes aforesaid shall be paid over to and become a part of the general funds of such city. The rates to be charged for services from the utility shall be fixed and revised from time to time by the board appointed to operate the utility by and with the approval of the legislative body of the city so as to be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due; to provide for the operation and maintenance of the utility and an adequate depreciation account; and such rates may be fixed as will furnish a fair and reasonable return to the municipality on the fair value of the used and useful property of the utility.

Nothing in this Act shall apply to electrical plants acquired or operated under Provisions of Section KRS 96.550 to 96.900.

(2) WHEREAS this Act is of vital importance to the administration of municipally owned water works and light, heat and power plants in the State of Kentucky and will clarify the present fiscal management of such plants, an emergency is hereby declared to exist and this Act shall become effective immediately upon its final passage and approval by the Governor.

S. B. 47. An Act relating to certifications of teachers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding the provisions of sub-section (3) KRS 161.060, any person holding a valid certificate with a minimum of twenty years' teaching experience and two years of college work shall be entitled to have the certificate extended for life, upon the following conditions:

(1) Fifteen years of the said teaching experience shall have been during the last twenty years prior to making application for extension.

(2) The application for extension shall be made by June 30, 1945.

(3) The applicant shall present with his application for extension a written recommendation of the superintendent of any district where applicant has taught.

Any teacher who, after being granted such extension, shall voluntarily fail to teach for more than two consecutive years shall forfeit such certificate.

S. B. 104. An Act relating to police and fire departments of cities of the fourth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 95.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) As used in KRS 95.761 to 95.785, the following words and terms shall have the following meaning:

(a) "Regular police department." For the purpose of KRS 95.761 to 95.785, a "regular police department" is defined as one having a fixed headquarters, where police equipment is maintained and where a policeman or policemen are in constant and uninterrupted attendance to receive and answer police calls, and execute regular police patrol duties.

(b) "Regular fire department." For the purpose of KRS 95.761 to 95.785, a "regular fire department" is defined as one having a fixed headquarters where fire fighting apparatus and equipment is maintained, and where a fireman or firemen are in constant and uninterrupted attendance to receive and answer fire alarms.

(c) "Legislative body." Wherever in KRS 95.761 to 95.785 the term "body" or "legislative body" is employed, it shall be construed to mean the legislative branch of the city government.

(d) "Commission". The word "commission" shall mean the board of civil service commissioners, as established under the terms of KRS 95.761 to 95.785.

(e) "Trustees." The word "trustees" shall mean the board of pension fund trustees, as established under the terms of KRS 95.761 to 95.785.

(f) "Pension fund." The term "pension fund" shall mean the monies derived from the policeman or policemen

and fireman or firemens' salary or salaries, and appropriations by the legislative body, or any other sums derived from whatever source by gifts or otherwise to be used for the retirement of policeman or policemen and fireman or firemen after the prescribed number of years of service and for the benefit of disabled policeman or policemen and fireman or firemen, and for the benefit of widows and dependent children or dependent fathers or mothers in the case of death of a policeman or fireman within the scope of his employment, according to the terms of KRS 95.761 to 95.785.

(g) "Member" of the police or fire department shall include the chiefs of the departments.

§ 2. Section 95.785 of the Kentucky Revised Statutes is amended to read as follows:

When the provisions of KRS 95.761 to 95.784 have been adopted by the legislative body of any city of the fourth class, KRS 95.700 (2), 95.710, 95.720, 95.740 (3), (4), and 95.760 shall not apply to that city, and the members of the police and fire departments of that city shall be compensated exclusively on a salary basis.

S. B. 51. An Act relating to salary, commissions and compensations of Commonwealth's Attorneys.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 69.050 of the Kentucky Revised Statutes of 1942 as adopted by the General Assembly at its 1942 session, be and the same is hereby repealed, amended, and re-enacted, so that the same when so amended and re-enacted, shall read as follows:

"Each Commonwealth's attorney shall receive an annual salary of $500 to be paid out of the State Treasury. In addition thereto and in lieu of all taxed fees and perquisites he shall be allowed the sum of $4,500 per annum out of the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district, to be paid monthly out of the fines and forfeitures collected and paid into the State Treasury each month. Except as provided in KRS 150.160 he shall receive forty per cent of all fines and forfeitures recovered in prosecutions before any county judge or magistrate and all of the fines and forfeitures rendered in circuit court except that part now allowed the circuit clerk and the county attorney. When the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district in any year are not sufficient to allow him $4,500 and in the succeeding year they are sufficient to exceed that amount, he shall be paid out of the excess, if sufficient, the sum necessary to bring his compensation from fines and forfeitures for the preceeding year to $4,500. In no case shall he receive more than $5,000 out of the State Treasury for any one year. But the fiscal court of any county may allow the Commonwealth's attorney for that county additional compensation as it deems proper, to be paid as other claims against the county are paid."

S. B. 105. An Act to authorize the appointment of a special judge where a vacancy occurs or exists.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 23.230 Kentucky Revised Statutes of 1942 be and the same is hereby repealed, amended, and reenacted, so as to read as follows:

"When, from any cause, a judge of any circuit court fails to attend, or being in attendance cannot properly preside in an action pending in the court, or if a vacancy occurs or exists in the office of circuit judge, or if either party files with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties, by agreement, may elect one of the attorneys of the court to preside on the trial or hear the application, or hold the court for the occasion. If any party to the action is a nonresident defendant, who has not entered his appearance nor been summoned, or is an infant defendant, the attorney appointed to defend for such nonresident or the guardian ad litem for such infant may agree with the other parties to the action upon an attorney having all the qualifications of a circuit judge to try the action. Any special judge so selected shall have all the powers and be subject to all the responsibilities of the regular judge of the court."

S. B. 116. An Act relating to Unemployment Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 341.510, sub-section (1) of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

"WITHDRAWALS FROM TRUST FUND. (1) Money shall be requisitioned from the State's account in the Unemployment Trust Fund solely for the payment of benefits and in accordance with regulations prescribed by the Commission. The Commission, through the State Treasurer acting as its fiscal agent, shall from time to time requisition

from the Unemployment Trust Fund such amounts, not exceeding the amounts standing to this State's accounts therein as it considers necessary for the payment of benefits for a reasonable future period. Provided, however, that out of contributions which become payable under this Chapter on and after April 1, 1944, the Commission may also in like manner requisition from the Unemployment Trust Fund such funds as may be necessary to defray the cost of administration of this Chapter for a reasonable future period during which the Social Security Board does not, for the same period, make certification for payment to this State of funds for the assistance of this State in the administration of this Chapter as provided in Title III of the Federal Social Security Act (49 Stat. 620) as amended; any funds so requisitioned by the Commission shall not exceed the total amount the Social Security Board shall have withheld from certification with respect to such State for the same period, nor an aggregate total amount of $1,260,000.00 in any event, and shall when received be deposited by the Treasurer in the Unemployment Compensation Administration Fund created by Section 341.240 of the Kentucky Revised Statutes and become a part of said Fund, subject to the limitations of KRS 341.620 and other provisions of the chapter with respect to expenditure therefrom. During the period for which funds are so requisitioned to defray the cost of administering this chapter and deposited in the Unemployment Administration Fund as above provided, no assessment shall be levied on employers under the provisions of Section 341.590 Kentucky Revised Statutes.

Section 2. That Section 341.530 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

"*Employer reserve account.* (1) The Commission shall maintain within the fund a separate reserve account for each subject employer, and shall, except as provided in para-

graph two hereof and KRS 341.560, credit to such account the total amount of all contributions paid by the employer on his own behalf. The liability of each such account shall be limited to the payment of benefits to eligible workers.

"(2) KRS 341.270 to the contrary notwithstanding, on and after April 1, 1944, no employer's contribution rate shall be less than three tenths of one per cent and the first three tenths of one per cent shall be withheld from credit to an employer's reserve account until the end of the tax paying period in which the total so withheld from all employers in the aggregate reaches $1,260,000.00, whereupon the minimum contribution rate fixed by this paragraph shall become inoperative. Any balance so withheld in excess of $1,260,000.00 shall be credited to the pooled account as defined in KRS 341.550.

"(3) The benefits paid to an eligible worker for a week of unemployment shall be charged proportionately against the accounts of those of his subject employers from whom he has base year or base period wages. The proportion so used shall be that ratio which is obtained by dividing the base year or base period wages of a worker from such employer by the total base year or base period wages of such worker, adjusted to the nearest multiple of one per cent. For the purpose of this sub-section a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

"(4) Each subject employer's reserve account shall, unless terminated or exhausted as of the computation date (as defined in sub-section (5) of KRS 341.270) be charged with all benefits paid to eligible workers which are chargeable to such reserve account under sub-section (3) of this section. A subject employer's reserve account shall be deemed to be terminated if he has ceased to be subject to

this chapter, and his account has been closed and any balance remaining therein has been credited to the fund's pooled account or to a successor's account as provided in KRS 341.540.

"(5) Any subject employer may at any time make voluntary payments, additional to the contributions required under KRS 341.260 and 341.270 to his reserve account, according to the general rules established by the Commission."

Section 3. *Declaration of emergency.* Whereas the taking effect of the provisions of this Act is necessary prior to April 1, 1944, in order to have available administrative money for the Unemployment Compensation Commission by July 1, 1944, an emergency is hereby declared to exist and this Act shall become law upon its enactment by the General Assembly and approval by the Governor.

S. B. 14. An Act relating to the preparation and delivery of tax bills for listed property and poll taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

That Section 133.220, Kentucky Revised Statutes, 1942 Edition, be amended and re-enacted, so that said section, as amended and re-enacted, shall read as follows, to-wit:

(1) The Department of Revenue shall annually furnish to each county clerk sufficient bills and stubs for his use in the preparation of the tax books of his county with the exception of tax bills necessary for listing a poll tax for taxpayers assessing no property for taxation. The Department of Revenue shall furnish these tax bills within ten days after the Kentucky Tax Commission has rendered its certification.

The county shall annually furnish the county clerk with sufficient bills and stubs for his use in the preparation of tax bills for all taxpayers liable for a poll tax and who assess no property for taxation. The county shall furnish the county clerk sufficient tax bills for this purpose within ten days after the Board of Supervisors has adjourned.

(2) After receiving the forms the county clerk shall make out for the use of the sheriff or collector a book of tax bills and stubs. The book shall contain a correct tax bill and stub for each taxpayer in the county who has been listed by the county tax commissioner or County Board of Supervisors or by the county clerk, and whose taxable property valuation has been approved by the County Board of Supervisors and equalized by the Kentucky Tax Commission. If the book is bound the cost of binding shall be paid out of the county levy. Each tax bill and stub shall show the rate of tax upon each one hundred dollars worth of property for state, county and school purposes; the name of the taxpayer; the number of acres of farm land and its value; the number of lots and their value; the amount and value of notes and money; the value of mixed personal property, the county poll; the school poll; the school tax; and the total amount of taxes due the state, county, school fund and other levies. The county clerk shall attest each tax bill and stub by signing it officially. In counties containing a city of the first class the clerk, at the time of making out the tax bills, shall cause the bill number of each tax bill to be inserted on the same line as name of the taxpayer on the assessment roll.

(3) The book of tax bills and stubs prepared in accordance with the certification of the Kentucky Tax Commission shall be delivered to the sheriff or collector by the county clerk before the second succeeding September 15 following the assessment date. The clerk shall take a receipt

showing the number of tax bills and the total amount of tax due each taxing district as shown upon the tax bills. The receipt shall be signed and acknowledged by the sheriff or collector before the county clerk, filed in the county court, and recorded in the order book of the county court in the manner required by law for recording the official bond of the sheriff.

(4) When the county clerk has forwarded his final recapitulation to the Department of Revenue, as provided in KRS 133.190, he shall immediately make out the tax bills of all taxpayers who are liable for a poll tax and who assess no property for taxation. When the bills are made out, the clerk shall immediately turn them over to the sheriff for collection.

S. B. 15. An Act relating to penalties to be imposed on certain officers for failure to discharge their duties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

That subsection (7) of section 133.990, Kentucky Revised Statutes, 1942 Edition, be repealed and subsection (2) enacted which shall read as follows, to-wit:

(2) Any county clerk who fails to make out, for the use of the sheriff or collector, the book or books of tax bills and stubs provided in KRS 133.220, and deliver same to the sheriff or collector on or before September 15 of each year, shall pay a penalty of $10.00 for each day's delay which must be deducted by the Department of Revenue from such sum, or sums, as may be due, or become due from the Commonwealth for official duties, and the date of the receipt required to be signed by the sheriff or collector by the provisions of KRS 133.220 shall be prima facie evidence of the delivery of same.

(3) Any county clerk who, without reasonable excuse, fails to return to the Department of Revenue copies of any books, papers or records required by it in the manner and at the time prescribed by law, shall, upon conviction, he fined not less than $10.00 nor more than $100.00 for each offense.

S. B. 56. An Act relating to Division of Rural Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 176.020 Subsection (2) of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(2) The department shall be divided into the Division of Construction, a Division of Records, a Division of Equipment, a Division of Maintenance, a Division of Rural Highways, and a Division of Highway Patrol. Each division shall perform the duties assigned it by the Commissioner of Highways and shall be headed by a director who shall act under the direction and supervision of the Commissioner of Highways.

S. Res. 22. Resolution authorizing Bud Burkhart to sue the Commonwealth.

Said resolution is as follows, viz.:

WHEREAS, on February 22, 1943, and for sometime prior thereto the State Highway Commission, its agents and servants in charge of the maintenance of state highway 66, leading from Harlan, Kentucky, to Pennington Gap, Virginia, negligently and carelessly permitted a large rock to fall from the side of the mountain adjoining said highway, and on the right-of-way, and remain there for some time and that the said Bud Burkhart was operating his truck on said highway and in Harlan County, and said rock being on a curve, when

suddenly he discovered the large rock in the road, and he was unable to prevent his truck from colliding with it, and his truck was so badly damaged, it was rendered worthless, and the damage to said truck was Twelve Hundred and Fifty ($1250.00) Dollars, and

WHEREAS, it was necessary for the said Bud Burkhart to dispose of his truck as salvage for Two Hundred and Fifty ($250.00) Dollars, and that immediately before the said collision it was worth and of the fair market value of Fifteen Hundred ($1500.00) Dollars.

THEREFORE, be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Bud Burkhart, be and he is hereby authorized and permitted to bring suit in the Harlan Circuit Court for such damages as he may have sustained, not to exceed the sum of Twelve Hundred and Fifty ($1250.00) Dollars, by reason of the negligent maintenance of said highway by the State Highway Commission, and in the event any judgment is recovered by the said Bud Burkhart in said suit, the same shall be paid by the Treasurer of the Commonwealth of Kentucky, out of the Highway Fund on warrant from the Auditor. The said Bud Burkhart, and the said Commission and/or the Commonwealth of Kentucky, shall have the right to appeal, and the said case shall be tried in the manner and form provided by the Statute and Code of the Commonwealth of Kentucky.

Ordered that said bills and resolutions be printed and referred

To the Committee on Rules.

And that they had passed bills which originated in this House entitled:

H. B. 130. An Act relating to local health officers.

H. B. 185. An Act relating to the investment of trust funds.

H. B. 179. An Act relating to district detectives for counties having a population of 150,000 or more.

H. B. 163. An Act relating to the acknowledgement of instruments, the attestation of documents, etc.

H. B. 120. An Act validating acts done and action taken by certain cities under an erroneous classification.

H. B. 191. An Act relating to classification of cities.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

And that they had passed a bill which originated in this House entitled:

H. B. 190. An Act relating to probate law and procedure, including provisions concerning trusts and the estates of decedents and persons under disability.

With amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 7.)

Said amendment as proposed and adopted by the Senate is as follows, viz.:

Amend H. B. 190 by inserting, after the word "following" in line 3 of section 2 on page 2, the words "to be numbered KRS 395.200."

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Willis Champion
John H. Clarke, Jr.
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
Harry F. Walters
R. E. West
Taylor Witt

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Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

And that they had passed the following bill which originated in this House, viz.:

H. B. 161. An Act relating to the probating of wills.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 4.)

Said amendments as proposed and adopted by the Senate are as follows, viz.:

1. Amend H. B. 161 by striking from line 6, page 1, the following: "in the course of such service,"

2. Amend H. B. 161 by striking from lines 12 and 13 on page 1, the following: "the testimony in person or by depositions of any available subscribing witness,"

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Isaac Blevins	Jno. M. Burkhart
Henry Arrowood	Douglas T. Bolling	Chas. W. Burnley
F. H. Bassett, Jr.	J. C. Bradley	C. D. Call

Willis Champion	H. Clay Kauffman	Wade H. Riley
John H. Clarke, Jr.	M. Kavanaugh	H. G. Royalty
Marvin Cornett	G. M. Knuckles	Amos Runyon
John Henry Cox	J. T. Linton	Carl Scheben
John P. Craig	Homer E. Losey	F. W. Schuhmann
Fred Creasey	A. L. Love	Vernon Seaton
Thomas S. Dawson	Pearl McKinney	Leon J. Shaikun
Adron Doran	C. C. May	Jno. W. Simmons
J. R. Dorman	Harry L. Moore	Faust Y. Simpson
Bernie S. Edlin	J. Lee Moore	George T. Smith
Harry W. Ennis	L. D. Moore	Robt. J. Spaulding
Dr. J. C. Gabbard	W. B. Moser	E. A. Spencer
Chas. B. Gentry	C. Sid Nabb	Arthur Stallard
Franklin Goins	Coy C. Nevitt	Geo. W. Steinford
J. D. Gross	Jno. C. Newcomb	Joe Stewart
R. M. Hall	Joe E. Nunn	Thos. M. Swope
Jas. P. Hallahan	Chester Peterson	C. W. Taylor
Claude Hammons	Albert W. Pfeiffer	Egbert V. Taylor
B. C. Holbrook	Sylvester Phillips	Roy L. Taylor
Benton Howard	J. Gip Prather	H. Thieman, Jr.
Clyde S. Howard	L. W. Preston	Otis C. Thomas
Jerry F. Howell	Kleber F. Price	John L. Trumbo
J. J. Huff	Edw. P. Prichard	Harry F. Walters
Lee Johnson	James E. Quill	R. E. West
Paul S. Jonas	C. R. Reeves	Taylor Witt
Wm. E. Justice	L. Allen Rhoads	—86

Mr. Quill moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the following bills and resolutions were reported, viz.:

H. B. 385. An Act relating to intra-state toll bridges.

H. Res. 51. Resolution providing for parking space on Capitol grounds.

H. B. 380. An Act for the protection of persons under eighteen years of age—selling newspapers, etc.

H. B. 362. An Act relating to public health with particular relation to pharmacists, pharmacies and drugs.

H. Res. 37. Resolution for the benefit of employees of the Senate and House of Representatives.

H. B. 381. An Act to amend Subsec. 3 of Sec. 341.380 KRS relating to Unemployment Compensation.

H. B. 346. An Act relating to elections.

H. B. 282. An Act relating to annual statements of local fiscal officers, etc.

H. B. 363. An Act relating to fireworks.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills entitled:

H. B. 119. An Act to grant the powers of police officers of the Division of Highway Patrol.

With a Committee Amendment thereto by way of Substitute therefor.

H. B. 97. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1944, supplementing appropriations heretofore made by General Assembly.

With a Committee Amendment thereto.

H. B. 251. An Act relating to the registration and purgation of voters.

H. B. 334. An Act relating to Drainage Districts.

H. B. 335. An Act relating to the adoption of school textbooks.

With a Committee amendment thereto.

S. B. 84. An Act consenting to establishment of an independent school district on Ft. Knox Military Reservation, etc.

S. B. 96. An Act to repeal and re-enact Sec. 162.431, 162.435, 162.440, 162.450, 162.460 and 162.480 KRS.

H. B. 265. An Act relating to higher education for negroes.

H. B. 312. An Act relating to penalties for violation of compulsory school attendance statutes.

H. B. 302. An Act to amend and re-enact Sec. 64.150 KRS so that said chapter as amended and re-enacted shall read as follows.

S. B. 74. An Act relating to lis pendens notices.

H. B. 342. An Act relating to vested and inchoate dower, descent and distribution, exemptions for the surviving spouse or infant children, and renunciation of will by the surviving spouse.

H. B. 368. An Act relating to the purchase of liability and compensation insurance by counties, etc.

H. B. 272. An Act relating to the duties and compensation of the County Tax Commissioners.

H. B. 274. An Act relating to water districts.

H. B. 291. An Act relating to bonds of parties to actions involving timbered lands.

H. B. 333. An Act to repeal, amend and re-enact Sec. 70.030 KRS relating to deputy sheriff.

H. B. 330. An Act relating to record books required by circuit and county clerks.

H. B. 263. An Act relating to lawful fence.

H. B. 276. An Act to enable any city to establish, maintain and use a public works cumulative reserve fund.

S. B. 55. An Act to amend and re-enact Sec. 431.130 KRS.

S. B. 31. An Act to amend and re-enact Sec. 403.030 KRS relating to the duties of County Attorneys.

With a Committee amendment thereto.

S. B. 23. An Act providing for the taking of the sense of the people as to necessity and expediency of calling a convention, etc.

S. Res. 7. Resolution authorizing Thos. Lowman to sue the Commonwealth.

S. Res. 8. Resolution authorizing Zach W. Lee, of Lexington, to sue the Commonwealth.

All House resolutions in the hands of the Committee on Claims authorizing persons to sue the Commonwealth.

With a Committee amendment thereto by way of Substitute therefor, which shall be known as H. Res. 59.

All House resolutions in the hands of the Committee on Claims authorizing the payment of claims against the Commonwealth.

With a Committee Amendment thereto by way of Substitute therefor, which shall be known as H. Res. 60.

Ordered that said bills and resolutions be read the second time.

The Constitutional provisions as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

A message was received from the Governor announcing that he returns to this House where it originated, without his signature and approval a bill entitled:

H. B. 29. An Act relating to the employment by the state government of persons who have served or who shall hereafter serve in the Armed Forces of the United States.

Together with his objections and veto to said bill, and his reason therefor.

(For bill see House Journal of January 28.)

The objections of the Governor and his reasons therefor are as follows, viz.:

Message to the House of Representatives:

I regret that I cannot approve, in its present form, House Bill No. 29 which is returned herewith.

This bill, as written, runs counter to the personnel standards of the Social Security Board to which we must conform in order to obtain aid. Miss Rhoda O'Meara, of the Social Security Board at Cleveland, Ohio, has sent a wire as follows:

"House Bill No. 29 appears to provide that persons in emergency, provisional, temporary or probational status at time of entering military service could not upon reemployment be separated except for cause. If interpretation correct bill not in accordance with Board personnel standards. If bill revised or interpreted to provide these persons upon reemployment receive same status as they had at the time of entering military service no question would arise. Provision for reemployment in position of equal class consistent with standards if transfer to such equal class is made in accordance with rules of Division of Personnel regarding transfer. No provision in bill for action if position abolished and there is no like position in service."

In order to conform to the requirements of the Social Security Act, and at the same time carry out the intention of the General Assembly, some slight amendments could be made and the bill repassed as amended. There is time to do so.

The changes suggested could be accomplished by inserting in line 6 of the bill, immediately after the word "reemployed", the words, "at the same status", and by inserting in line 8, after the word "in", the words "an existing or created position", striking out the letter "a". Also delete line 9, line 10, and the first part of line 11 to the period. Also in

line 16 after the word "in", insert "an existing or created," striking out the letter "a".

These changes would conform the Act to the Social Security requirements. It is important that conflicts be avoided in order that we may get the assistance upon which so many depend. In view of this situation I have felt impelled to return this bill with the suggestion that it be corrected in order not to damage the service.

Another serious objection to this bill is the penalty imposed on the Commonwealth. There is no reason or necessity for the provision that the taxpayers should be made to pay for the act of an official. The remedy against the wrongdoer affords full protection to the injured applicant. The Act as written allows a double action for indemnity to the applicant, and in addition fixes a fine for the wrongdoer.

The public service is a public trust. The effort to make patriotic gestures is commendable, but the consideration of service to the public should not be overlooked. The paramount purpose in fixing rules for the public employment should be the efficiency and character of the service to the state. The preference to patriots who have served in the Armed Forces should not be permitted to obscure that fact. Both objections may be obtained by reasonable care.

For these reasons, I have been constrained to veto House Bill No. 29.

Respectfully,

SIMEON WILLIS,
Governor.

February 28, 1944.

Ordered that said bill, with the objections and veto of the Governor thereto, be referred

To the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 256. An Act pertaining to motor carriers, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 281.020 of the Kentucky Revised Statutes is amended to read as follows:

The provisions of this chapter do not apply to:

(1) Motor vehicles used for the transportation of property for hire operating exclusively within the limits of a city or within its suburban area.

(2) Motor vehicles used as a school bus and while engaged in the transportation of students, under the supervision and control, and at the direction, of school authorities.

(3) Motor vehicles being used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members, where the vehicle is owned or leased exclusively by the association.

Motor vehicles, regardless of ownership, used exclusively:

(a) For the transportation of agricultural and dairy products (including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs), while owned by the producer of the products (including landlord where the relation of landlord and tenant or landlord and cropper is involved) from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill; or

(b) For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or

(c) For both of the purposes described in paragraphs (a) and (b) of this subsection.

(5) Motor vehicles used as a church bus and while engaged in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control, and at the direction, of church authorities.

(6) Motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highway, road or street in this state.

(7) Motor vehicles used for the exclusive transportation of members of the Armed Forces on educational or recreational trips under the supervision and control of and under the exclusive direction of military authorities. Such vehicles, however, shall be insured as other vehicles under this chapter. This exclusion shall be limited to the duration of the present National Emergency.

2. Section 281.025 of the Kentucky Revised Statutes is repealed.

Mr. Walters moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Willis Champion
Jno. H. Clarke, Jr.
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Geo. W. Steinford
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt —87

Resolved that the title thereof be as aforesaid.

Mr. Walters moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 34. Resolution permitting the payment of claims against the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth is indebted to the hereinafter named persons, in the amount set forth opposite their names, and for the reason there indicated, and it further appearing that said claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented, and the Statute of Limitations as now provided by law shall not be a bar to their payment, and the amount necessary to pay said claims is hereby appropriated out of the General Fund for that purpose:

Name-Address	Amount	Reason
Lee Swaner, London, Ky.	$17.40	Payment of witness claims
Eli Crum, Crum, W. Va.	$27.76	Payment of witness claims
Adam Hayes, Noble, Ky.	$12.20	Payment of witness claims
J. B. Clark, Route No. 5, Hopkinsville, Ky.	$21.60	Payment of witness claims
S. T. Slaughter, Elkton, Ky	$37.50	Payment of pauper idiot claim.

Mr. Howell moved that Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. D. Gross	W. B. Moser
Henry Arrowood	Jas. P. Hallahan	C. Sid Nabb
F. H. Bassett, Jr.	B. C. Holbrook	Joe E. Nunn
Isaac Blevins	Benton Howard	H. C. Patterson
Douglas T. Bolling	Clyde S. Howard	Chester Peterson
J. C. Bradley	Jerry F. Howell	Albert W. Pfeiffer
Jno. W. Burkhart	J. J. Huff	Sylvester Phillips
Chas. W. Burnley	Lee Johnson	J. Gip Prather
C. D. Call	Paul S. Jonas	Kleber F. Price
Willis Champion	Wm. E. Justice	Edw. P. Prichard
Jno. H. Clarke, Jr.	H. Clay Kauffman	James E. Quill
Marvin Cornett	M. Kavanaugh	C. R. Reeves
John P. Craig	G. M. Knuckles	L. Allen Rhoads
Fred Creasey	J. T. Linton	Wade H. Riley
Thos. S. Dawson	Homer E. Losey	H. G. Royalty
Adron Doran	A. L. Love	Amos Runyon
J. R. Dorman	Pearl McKinney	Carl Scheben
Bernie S. Edlin	C. C. May	F. W. Schuhmann
Harry W. Ennis	Johnston Miller	Vernon Seaton
Dr. J. C. Gabbard	Harry L. Moore	Jno. W. Simmons
Franklin Goins	L. D. Moore	Faust Y. Simpson

George T. Smith	Thos. M. Swope	John L. Trumbo
Robt. J. Spaulding	C. W. Taylor	S. J. Wagner
E. A. Spencer	Egbert V. Taylor	Harry F. Walters
Arthur Stallard	Roy L. Taylor	R. E. West
Geo. W. Steinford	H. Thieman, Jr.	Taylor Witt
Joe Stewart	Otis C. Thomas	—80

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 35. Resolution authorizing persons to sue the Commonwealth.

Said bill is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. The following named persons are authorized to sue the Commonwealth of Kentucky, in the circuit court of the county, and in an amount not exceeding the amount, and for the cause, each as hereinafter set opposite their names:

Name	Circuit Court	Max. Amt.	Cause
Bud Philpott, Thompkinsville, Ky.	Monroe	$2,500	Negligence of Dept. of Highways and employes

J. J. Evans, J. F.

Evans, and Charlie Evans, Whitley County, Ky.	Whitley	$1,000	Negligence of State employe
E. B. Chitwood, Floyd County, Ky.	Floyd	$ 500	Negligence of State employe
Charles and Dorothy Bryant, Franklin County, Ky.	Franklin	$2,000	Negligence of Dept. of Highways and employes
C. Hays Foster, Stanford, Ky.	Lincoln	$32.50	Negligence of State employe

§ 2. The Attorney-General of the Commonwealth of Kentucky may investigate the claims against the Commonwealth herein and settle said claims before or after suit is filed, if he deems it advisable. Any amount recovered in said suits or by settlement with the Attorney-General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

§ 3. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

§ 4. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Howell moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Ques-

tion be now put?''

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Claude Hammons	Chester Peterson
Henry Arrowood	B. C. Holbrook	Albert W. Pfeiffer
F. H. Bassett, Jr.	Benton Howard	Sylvester Phillips
Isaac Blevins	Clyde S. Howard	J. Gip Prather
J. C. Bradley	Jerry F. Howell	Kleber F. Price
Jno. W. Burkhart	J. J. Huff	Edw. P. Prichard
Chas. W. Burnley	Lee Johnson	James E. Quill
C. D. Call	Paul S. Jonas	C. R. Reeves
Jno. H. Clarke, Jr.	Wm. E. Justice	L. Allen Rhoads
Marvin Cornett	H. Clay Kauffman	Wade H. Riley
John Henry Cox	M. Kavanaugh	H. G. Royalty
John P. Craig	G. M. Knuckles	Amos Runyon
Fred Creasey	J. T. Linton	Carl Scheben
Thos. S. Dawson	Homer E. Losey	F. W. Schuhmann
Adron Doran	A. L. Love	Vernon Seaton
J. R. Dorman	Pearl McKinney	Leon J. Shaikun
T. H. Dyer	C. C. May	Jno. W. Simmons
Bernie S. Edlin	Harry L. Moore	George T. Smith
Harry W. Ennis	L. D. Moore	Robt. J. Spaulding
Dr. J. C. Gabbard	W. B. Moser	E. A. Spencer
Franklin Goins	C. Sid Nabb	Arthur Stallard
J. D. Gross	Jno. C. Newcomb	Geo. W. Steinford
R. M. Hall	Joe E. Nunn	Joe Stewart
Jas. P. Hallahan	H. C. Patterson	Thos. M. Swope

C. W. Taylor	H. Thieman, Jr.	Harry F. Walters
Egbert V. Taylor	Otis C. Thomas	R. E. West
Roy L. Taylor	John L. Trumbo	Taylor Witt

—81

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 283. An Act relating to county tax commissioners.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of KRS 132.380 is amended to read as follows:

(5) Any person who holds a certificate issued under Chapter 11 of the Acts of 1918, or under section 132.380 of the Kentucky Revised Statutes of 1942, shall remain eligible for the office of county tax commissioner, and shall not be required to take another examination under this section.

Mr. Rhoads moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of

said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jerry F. Howell	James E. Quill
Henry Arrowood	J. J. Huff	C. R. Reeves
F. H. Bassett, Jr.	Lee Johnson	L. Allen Rhoads
Isaac Blevins	Paul S. Jonas	Wade H. Riley
J. C. Bradley	Wm. E. Justice	H. G. Royalty
Jno. W. Burkhart	H. Clay Kauffman	Amos Runyon
Chas. W. Burnley	M. Kavanaugh	Carl Scheben
C. D. Call	G. M. Knuckles	F. W. Schuhmann
Jno. H. Clarke, Jr.	J. T. Linton	Vernon Seaton
Marvin Cornett	Homer E. Losey	Jno. W. Simmons
John Henry Cox	A. L. Love	Faust Y. Simpson
John P. Craig	Pearl McKinney	George T. Smith
Fred Creasey	C. C. May	Robt. J. Spaulding
Thos. S. Dawson	Johnston Miller	E. A. Spencer
Adron Doran	Harry L. Moore	Arthur Stallard
J. R. Dorman	J. Lee Moore	Geo. W. Steinford
T. H. Dyer	L. D. Moore	Joe Stewart
Bernie S. Edlin	W. B. Moser	Thos. M. Swope
Harry W. Ennis	C. Sid Nabb	C. W. Taylor
Dr. J. C. Gabbard	Joe E. Nunn	Egbert V. Taylor
Chas. B. Gentry	H. C. Patterson	Roy L. Taylor
Franklin Goins	Chester Peterson	H. Thieman, Jr.
R. M. Hall	Albert W. Pfeiffer	Otis C. Thomas
Jas. P. Hallahan	Sylvester Phillips	John L. Trumbo
Claude Hammons	J. Gip Prather	Harry F. Walters
B. C. Holbrook	L. W. Preston	R. E. West
Benton Howard	Kleber F. Price	Taylor Witt
Clyde S. Howard	Edw. P. Prichard	—83

Resolved that the title thereof be as aforesaid.

Mr. Rhoads moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 287. An Act relating to the establishment by cities of a gas and garbage disposal system, etc.

With Committee Amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, the term "Acquire" shall mean and include construct, acquire by purchase, by lease, devise, gift, or the exercise of the right of eminent domain in the manner now or hereafter provided by law for the exercise thereof and acquisition by any other mode.

§ 2. (1) Any city may acquire, maintain and operate a gas system or garbage disposal system, and, with the exception of an electric power, light, heat or water system, any other public utility system, together with extensions and necessary appurtenances thereto within or without the limits of the city.

(2) If any such public utility system is acquired from a company having a franchise, such system may be acquired as an electric plan may be acquired under the provisions of KRS 96.550 to 96.900, except as otherwise provided in this Act.

§ 3. (1) Before any city may acquire, maintain or operate a public utility system, the legislative body of the city shall pass an ordinance declaring it desirable that this be

done, and shall prepare an estimate of the probable cost of said system. If revenue bonds are to be issued to pay the cost the ordinance shall so provide. An election shall be had on the adoption of the ordinance of a number of legal voters of the city equal to twenty-five percent of the total number of votes cast in the city at the last regular election file a petition within ten days after the ordinance is passed asking that the question of approval of the ordinance be submitted to a vote of the people. If the petition is filed the election shall be held at the next regular election held in the city.

(2) If an election is petitioned for, the presiding officer of the city shall certify the ordinance to the county court clerk, who shall cause to be printed on the ballots for use in the city the question: "Are you in favor of acquiring, maintaining and operating a ..... (here insert the kind of system) in accordance with the estimate of cost adopted by the ..... (here insert the name of city) and the issuance of revenue bonds in the amount of $..... (here insert total face amount of bonds estimated by the legislative body of the city to be necessary to pay the cost of the public utility system, based upon the estimate of cost)". Opposite the question shall be printed "Yes" and "No", with the proper squares for stamping. The presiding officer of the city shall advertise the election and its object for at least seven days before the date of the election in the newspaper having the largest circulation in the city, or by handbills posted at not less than four conspicuous places in each voting precinct in the city and at the door of the City Hall. All legal voters of the city may vote at the election.

(3) If an election is held, the city shall not acquire, maintain or operate said system or issue revenue bonds unless a majority of all the qualified voters voting on the question vote in favor thereof.

(4) Before revenue bonds are issued the legislative body

of the city shall select the location of said system, prepare the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land, right of ways, construction, franchises and easements necessary for the construction of said system.

§ 4. (1) Except where an election has been held and the proposition has been defeated, any city may borrow money and issue negotiable bonds, but only after an ordinance has been adopted specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear. The ordinance shall further provide that the proposed system, with necessary appurtenances thereto, is to be acquired pursuant to the provisions of this Act. Any bonds issued under the provisions of this Act shall be payable solely from the revenue derived from the operation of the public utility system, and shall not constitute an indebtedness of the city within the meaning of the Constitution.

(2) Money received from bonds issued as provided in subsection (1) of this section may be used to advance the expense of operation and maintenance for one month after the establishment of the system. If a surplus is accumulated, from revenue, in the operation and maintenance fund equal to the cost of maintaining and operating the public utility system during the remainder of the calendar, operating or fiscal year, as may be provided by ordinance on or before issuance of the bonds, the legislative body of the city may at any time transfer the excess to the depreciation account to be used for any improvements or additions to the system.

(3) Except as provided in subsection (2) of this section, all of the provisions of KRS 96.380 to 96.500 shall be applicable to proceedings under this Act.

§ 5. (1) Any city acquiring a public utility system under the provisions of this Act may by ordinance provide for the appointment of a commission of seven members to operate,

manage and control the public utility system, which commission shall be known as the "..... Utility Commission." The commission shall provide rules, regulations and by-laws for the public utility system and shall, out of the revenue of the system, pay necessary operating expenses, repairs and additions thereto, and provide a sufficient reserve funds to insure that the utility system is kept in repair and in safe and sanitary condition and to provide against any emergency that may arise. The commission shall from time to time pay to the city the surplus revenue derived from the operation of the system as provided in this Act.

(2) In order that the commission may be nonpartisan and nonpolitical, no person shall be appointed a member thereof who has, within the last two years before his appointment, held any city, county, state or federal office, or who is related within the third degree to the mayor or any member of the legislative body of the city. The commission shall not appoint, to any subordinate office created by it, any person who is related to any member of the legislative body or to the mayor or chief executive of the city, or to any member of the commission. No officer or employe of the city, whether holding a paid or unpaid office, shall be eligible to be a member of the commission. The members of the commission shall be citizens, taxpayers and legal voters of the city and shall not at the time of their appointment be indebted to the city or be surety on the official bond of any officer of the city. No member of the commission shall be interested in any contract for the furnishing of supplies or services of any kind to the public utility system, or to the city. If at any time during his term of office any member of the commission becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his office on the commission and another person shall be appointed.

(3) Each commissioner shall execute bond with a surety company in the penal sum of one thousand dollars, condi-

tioned upon the faithful performance of his official duties. The bonds shall be approved by the legislative body of the city and the premium shall be paid by the city. An action may be maintained upon any commissioner's bond by any person injured by a violation of the covenants therein contained.

(4) The members of the commission shall serve without compensation.

(5) The first public utility commission appointed in each city under this section shall be appointed for terms as follows: Two members for a term of one year, two for a term of two years, and three for a term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

Said Committee Amendments are as follows, viz.:

1. Amend H. B. 287 on page 1, Section 2, line 1 by striking the word "a" before "gas system" and inserting in lieu thereof the words "an artificial"

2. Amend H. B. 287 on page 5 by adding, following line 43 of section 5, the following:

"Section 6. This Act is intended to create an additional and alternate method for the acquisition of the public utility systems mentioned in section 2 of this Act, and is not intended to alter, amend or repeal any other statute."

Said amendments were each agreed to.

Mr. Burnley offered the following amendments to said bill, viz.:

Amend H. B. 287, on page 1, section 2, line 3 by adding after the word "water," the words "or communication."

Amend H. B. 287 on page 1, section 2, line 3 by adding after the word "heat" the following words and commas: ", gasoline motor bus, electrically operated street car and electrically operated trolley bus line operating in interstate commerce."

Said amendments were each agreed to.

Mr. Burnley moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. R. Dorman	Wm. E. Justice
Henry Arrowood	T. H. Dyer	M. Kavanaugh
F. H. Bassett, Jr.	Harry W. Ennis	J. T. Linton
Jno. W. Burkhart	Franklin Goins	Homer E. Losey
Chas. W. Burnley	Claude Hammons	A. L. Love
C. D. Call	Benton Howard	Johnston Miller
Willis Champion	Clyde S. Howard	J. Lee Moore
John Henry Cox	Jerry F. Howell	W. B. Moser
Fred Creasey	Lee Johnson	C. Sid Nabb
Adron Doran	Paul S. Jonas	Joe E. Nunn

H. C. Patterson	L. Allen Rhoads	Roy L. Taylor
Chester Peterson	Amos Runyon	E. B. Thompson
Albert W. Pfeiffer	Carl Scheben	S. J. Wagner
J. Gip Prather	Leon J. Shaikun	Speaker Harry Lee Waterfield
Edw. P. Prichard	Faust Y. Simpson	
James E. Quill	George T. Smith	
C. R. Reeves	Geo. W. Steinford	—48

Those who voted in the negative were—

Isaac Blevins	H. Clay Kauffman	Jno. W. Simmons
Douglas T. Bolling	G. M. Knuckles	Robt. J. Spaulding
J. C. Bradley	Pearl McKinney	E. A. Spencer
Jno. H. Clarke, Jr.	C. C. May	Arthur Stallard
Marvin Cornett	Harry L. Moore	Joe Stewart
John P. Craig	L. D. Moore	Thos. M. Swope
Thos. S. Dawson	Coy C. Nevitt	C. W. Taylor
Bernie S. Edlin	Sylvester Phillips	Egbert V. Taylor
Dr. J. C. Gabbard	James T. Philpott	H. Thieman, Jr.
Chas. B. Gentry	L. W. Preston	Otis C. Thomas
R. M. Hall	Kleber F. Price	John L. Trumbo
Jas. P. Hallahan	Wade H. Riley	R. E. West
B. C. Holbrook	F. W. Schuhmann	Taylor Witt
J. J. Huff	Vernon Seaton	—41

Mr. Burnley offered the following amendments to the title of said bill, viz.:

Amend the title to H. B. 287 by adding, after the word "water" in third or last line of title, the words "or communication."

Amend the title to H. B. 287 by adding after the word "heat" the following words and commas, ", gasoline motor bus, electrically operated street car and electrically operated trolley bus line operating in interstate commerce."

Said amendment was each agreed to.

Resolved that the title thereof be as amended.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, a bill entitled:

S. B. 76. An Act repealing KRS; empowering National Park Commission to condemn land for park purposes.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 266. An Act relating to the city manager form of government.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 89.510 of the Kentucky Revised Statutes is amended to read as follows:

The mayor shall preside at meetings of the board of commissioners and perform such other duties consistent with

his office as may be imposed by the board. He shall be recognized as the official head of the city for ceremonial purposes, for the purpose of serving civil process, and for military purposes. In time of public danger or emergency he may, with the consent of the board of commissioners, take command of the police, maintain order and enforce the laws. In cities of the second class the mayor, in his discretion, may designate and appoint a secretary, who shall perform such duties as the mayor may prescribe and who shall receive, as compensation for his services, an annual salary of not less than two thousand dollars nor more than three thousand dollars, to be fixed by ordinance.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jno. W. Burkhart	John Henry Cox
Henry Arrowood	Chas. W. Burnley	John P. Craig
F. H. Bassett, Jr.	C. D. Call	Fred Creasey
Isaac Blevins	Willis Champion	Thos. S. Dawson
Douglas T. Bolling	Jno. H. Clarke, Jr.	Adron Doran
J. C. Bradley	Marvin Cornett	J. R. Dorman

T. H. Dyer	Harry L. Moore	Carl Scheben
Bernie S. Edlin	D. D. Moore	F. W. Schuhmann
Harry W. Ennis	W. B. Moser	Vernon Seaton
Dr. J. C. Gabbard	C. Sid Nabb	Leon J. Shaikun
Franklin Goins	Jno. C. Newcomb	Jno. W. Simmons
J. D. Gross	Joe E. Nunn	Faust Y. Simpson
R. M. Hall	H. C. Patterson	George T. Smith
Jas. P. Hallahan	Chester Peterson	Robt. J. Spaulding
B. C. Holbrook	Albert W. Pfeiffer	E. A. Spencer
Benton Howard	Sylvester Phillips	Geo. W. Steinford
Clyde S. Howard	James T. Philpott	Joe Stewart
Lee Johnson	J. Gip Prather	Thos. M. Swope
Paul S. Jonas	L. W. Preston	C. W. Taylor
Wm. E. Justice	Kleber F. Price	Roy L. Taylor
M. Kavanaugh	Edw. P. Prichard	H. Thieman, Jr.
G. M. Knuckles	James E. Quill	Otis C. Thomas
J. T. Linton	C. R. Reeves	E. B. Thompson
Homer E. Losey	L. Allen Rhoads	John L. Trumbo
A. L. Love	Wade H. Riley	R. E. West
Pearl McKinney	H. G. Royalty	
Johnston Miller	Amos Runyon	—79

Those who voted in the negative were—

Chas. B. Gentry —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 78. An Act granting and confirming in the Court of Appeals and other courts power to regulate pleading, practice and procedure in the courts.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Court of Appeals may make and promulgate rules regulating pleading, practice and procedure in all courts so far as the rules do not abridge, enlarge, or modify the substantial rights of any litigant.

Section 2. The Court of Appeals shall appoint an advisory committee of practicing lawyers and Circuit Judges of the State, which committee shall recommend the rules to be made and promulgated by the Court.

Section 3. Such rules shall not take effect until 90 days after they shall have been adopted by the Court of Appeals.

Section 4. All statutes now existing that relate to pleading, practice and procedure in the courts, and that do not affect the substantive rights of litigants, shall from and after the passage of this Act have force and effect only as rules of court, and shall remain in force until modified or rescinded by rules made and promulgated as herein provided.

Section 5. Circuit Courts may formulate rules for the conduct of their own business, supplementary to, and not conflicting with the rules made by the Court of Appeals or with any statute; but the rules shall not become effective until approved by the Court of Appeals.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Court of Appeals may adopt rules regulating pleading, practice and procedure in all courts so far as the rules do not abridge, enlarge, or modify the substantive rights of any litigant.

§ 2. The Board of Bar Commissioners of the State Bar Association shall appoint an advisory committee of practicing lawyers and Circuit Judges of this State, which committee shall recommend the rules to be adopted by the Court.

§ 3. Such rules shall be submitted to the General Assembly at the beginning of its next regular session following their adoption by the Court of Appeals. The General Assembly, by joint resolution at such session, may reject any or all of the rules. Such of the rules as are not so rejected shall become effective on the day following the final adjournment of such session.

§ 4. All statutes now existing that relate to pleading, practice and procedure in the courts, and that do not affect the substantive rights of litigants, shall from and after the passage of this Act have force and effect only as rules of court, and shall remain in force until modified or rescinded by rules adopted as herein provided.

§ 5. Circuit Courts may formulate rules for the conduct of their own business, supplementary to, and not conflicting with the rules made by the Court of Appeals or with any statute; but the rules shall not become effective until approved by the Court of Appeals.

Said Substitute was then adopted.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed, and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisons of the Constitution, were as follows, viz.:

Henry Arrowood	Dr. J. C. Gabbard	L. D. Moore
F. H. Bassett, Jr.	Chas. B. Gentry	W. B. Moser
Isaac Blevins	Franklin Goins	C. Sid Nabb
Douglas T. Bolling	J. D. Gross	Joe E. Nunn
J. C. Bradley	R. M. Hall	H. C. Patterson
Jno. W. Burkhart	Jas. P. Hallahan	Chester Peterson
Chas. W. Burnley	B. C. Holbrook	Albert W. Pfeiffer
C. D. Call	Benton Howard	Sylvester Phillips
Willis Champion	Clyde S. Howard	J. Gip Prather
Jno. H. Clarke, Jr.	J. J. Huff	L. W. Preston
Marvin Cornett	Lee Johnson	Kleber F. Price
John Henry Cox	Paul S. Jonas	Edw. P. Prichard
John P. Craig	Wm. E. Justice	James E. Quill
Fred Creasey	M. Kavanaugh	C. R. Reeves
Thos. S. Dawson	G. M. Knuckles	Amos Runyon
Adron Doran	J. T. Linton	Carl Scheben
J. R. Dorman	A. L. Love	F. W. Schuhmann
T. H. Dyer	Johnston Miller	Vernon Seaton
Harry W. Ennis	Harry L. Moore	Leon J. Shaikun

Jno. W. Simmons	Joe Stewart	E. B. Thompson
Faust Y. Simpson	Thos. M. Swope	John L. Trumbo
George T. Smith	C. W. Taylor	S. J. Wagner
Robt. J. Spaulding	Roy L. Taylor	R. E. West
Arthur Stallard	H. Thieman, Jr.	Taylor Witt
Geo. W. Steinford	Otis C. Thomas	—74

Resolved that the title thereof be as aforesaid.

Mr. Simpson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Simpson moved that the vote by which the clincher motion was ordered on said bill, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, it was ordered that said bill be referred.

To the Committee on Rules.

Without objection the following bills and resolution were introduced, viz.:

By Mr. Smith.

H. B. 386. An Act relating to prohibitions, restrictions and regulation of alcoholic beverages.

Said bill is as follow, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 244.080 of the Kentucky Revised Statutes is amended to read as follows:

No retail licensee shall sell, give away or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away or delivered to:

(1) A person under the age of 18 years, except that packaged malt beverage (jug beer) may be delivered to persons under the age of eighteen years if purchased for the use and consumption in the home of the parent or parents of said person, and, further, that said person and the parent or parents are personally known to the seller and are not persons to whom retail sales are prohibited by law.

(2) A person actually or apparently under the influence of alcoholic beverages.

(3) An habitual drunkard or any person convicted of drunkeness as many as three times within the most recent twelve months period.

(4) Anyone known to the seller to have been convicted of any misdemeanor or felony directly or indirectly attributable to the use of alcoholic beverages.

§ 2. Sub-section three (3) of section 243.220 of the Kentucky Revised Statutes is amended to read as follows:

No license for the sale of alcoholic beverages shall be issued for any premises located on the same street as, and within two hundred feet of, a building occupied exclusively as a school, hospital or place of worship, if the governing authority of the school, hospital or place of worship file written objections to the issuance of a license for said premises at least fifteen days prior to the issuance of a new license or at least sixty days prior to the re-newal of any

license; except, however, that this shall not apply to those premises upon which a bona fide business in alcoholic beverages had been carried on for more than one year prior to the establishment of the school, hospital or place of worship. Upon the filing of such written objections by the governing authority of the school, hospital or place of worship, the state administrator may issue the license, in the exercise of his discretion, even though the premises are within less than two hundred feet of such building. The measurement shall be taken on the street on which the licensed premises and the building used for the school, hospital or place of worship are located, and shall be from building to building.

§ 3. Section 244.100 of the Kentucky Revised Statutes is suspended and shall have no force or effect for and during the period of the present war and national emergency, and for such period of time thereafter as the Board may, in its discretion, by proper order, direct, which time shall, in no event, be for a longer period of one year after the cessation of hostilities and declaration of armistice or peace by the Congress or the President of the United States.

§ 4. Section 244.320 and sub-section two (2) of section 244.120 of the Kentucky Revised Statutes are hereby repealed.

By Mr. Copeland.

H. B. 387. An Act relating to salaries of public and state officers and employees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 45.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this section and in KRS 132.640, warrants for the monthly salary due to public officers shall not be issued before the last day of the month. A warrant may be issued to any state officer for the portion of salary due for a fractional part of a month in which the officer has served.

(2) Salaries due state employes shall be paid semimonthly.

By Mr. Scheben.

H. B. 388. An Act relating to carrying concealed deadly weapons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 435.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon, other than an ordinary pocket knife, to a minor, shall be fined not less than fifty dollars nor more than one hundred and fifty dollars, or imprisoned in the penitentiary for not less than one year nor more than five years, or both so fined and imprisoned.

(2) Any person convicted of the offense of carrying concealed on or about his person a deadly weapon shall be disfranchised and excluded from the privilege of suffrace for two years.

(3) Any person convicted a second time under sub-

section (1) of this section shall be confined in the penitentiary for not less than one nor more than ten years.

(4) Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons.

By Mr. Quill.

H. B. 389. An Act to perfect the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 3.010 of the Kentucky Revised Statutes is amended to read as follows:

The Commonwealth of Kentucky consents to the acquisition by the United States of all lands and appurtenances in this state heretofore legally acquired, or that may be hereafter legally acquired by purchase, or by condemnation, for the erection of forts, magazines, arsenals, dock yards, post offices, custom houses, courthouses and other needful buildings, and for locks, dams and canals in improving the navigation of the rivers and waters within and on the borders of Kentucky.

§ 2. Subsection (1) of section 3.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Kentucky consents to the acquisition by the United States, by purchase or gift, or by condemnation, of such lands within the boundaries of Kentucky as in the opinion of the United States are needed for the establishment of national forest reserves within prescribed areas. Before such establishment the written approval and consent of the Governor of Kentucky, recorded in his office, shall be given as to the area of lands acquired by the United States.

§ 3. Subsection (1) of section 25.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a regular term of the county court held by the county judge in each county once every month on Monday, and until changed as herein provided, shall be held on the same day it now is. The time of holding the county court in any county may be changed by an order made by the county judge and entered upon the records of the county court at the last regular term held in the year next preceding the year in which the change is made. Special terms of the county court may be held at any time for the transaction of any business except such as is specifically directed by law to be transacted at a regular term; and the court may adjourn from time to time until the business is disposed of, but no adjournment shall be to a time beyond the commencement of the next regular term.

§ 4. Subsection (2) of section 25.140 of the Kentucky Revised Statutes is amended to read as follows:

(2) When the county judge is absent from his office, or is unable or disqualified to act for some reason other than prejudice as contemplated by subsection (3) of this section, the county judge pro tem shall perform the duties of the regular county judge.

§ 5. Section 25.175 of the Kentucky Revised Statutes is amended to read as follows:

One year after appointment and annually thereafter, unless otherwise provided by law, every fiduciary must render an account of the execution of his trust to the court by which he was appointed, including in such account an itemized statement of receipts and disbursements supported by vouchers accompanying the same and a statement of all investments on hand and changes in investments since the filing of his last account. Provided, however, that guardians, committees and trustees under continuing trusts, after their first accounting, shall render their accounts thereafter biennially, or at shorter intervals if the court shall require it. Such settlements, when approved and confirmed by the court, shall be recorded and indexed by the clerk, and the original and the vouchers carefully kept by him in his office. An account shall be rendered by the fiduciary at any other time upon order of the court upon its own motion or that of any person interested in the trust, for good cause shown on affidavit. At the expiration of his trust such fiduciary must fully account for and pay over the trust estate to the person or persons entitled thereto. Every such account shall list all unpaid creditors whose claims have been allowed and all creditors whose claims have been disallowed. No account of a fiduciary except of corporate fiduciaries under the supervision of State or Federal banking authorities shall be approved until there are exhibited to the court, for its examination, the security or securities shown in said account as being in the hands of the fiduciary, or the certificate of a bank having possession thereof or in which they have been deposited for safekeeping, and a certified bank statement showing the funds to the credit of the trust.

§ 6. Section 25.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where the county judge of any county containing a city of the second class appoints a special commissioner under

KRS 25.170, the special commissioner shall be paid by the fiduciary, out of the estate in his hands, a fee based on the amount of the personal estate collected and distributed to the beneficiaries in cash by the fiduciary (including net income from investments, but not including rents from real estate owned by the decedent at the time of death or the receipt of any item of personality that does not constitute an increase in the value of the estate), as follows:

(a) Where the amount is not more than five thousand dollars, a sum not to exceed five dollars;

(b) Where the amount is more than five thousand dollars, but not more than fifty thousand dollars, a sum not to exceed one-tenth of one percent;

(c) Where the amount is more than fifty thousand dollars, a sum not to exceed one-tenth of one percent on the first fifty thousand dollars, and one-twentieth of one per cent on the excess.

(d) Where the amount is more than one million dollars, no commission shall be charged on the excess.

(2) Where the fees allowed exceed two hundred dollars, the fiduciary may, upon motion after ten days' notice to the county judge or commissioner, have the reasonableness and adequacy of his compensation reviewed by the circuit court of the county.

§ 7. Section 28.310 of the Kentucky Revised Statutes is amended to read as follows:

In each county having a population of less than seventy-five thousand and an assessed valuation of more than one hundred million dollars and containing a city of the second class, the clerk of the county court may appoint such deputies

as may be necessary for the proper conduct of his office, except that the number of such deputies shall not exceed the number approved by the fiscal court. The salaries of the deputies shall be fixed by the fiscal court and paid out of the county levy in equal monthly installments. The salaries as so fixed shall not exceed $3,600 per annum for the chief deputy clerk, $3,000 per annum for the second and third deputy clerks, and $1,800 for any other deputy.

§ 8. A new section of the statutes is created, to be numbered KRS 36.005 and to read as follows:

As used in this chapter, "militia" means the Kentucky National Guard and the Kentucky Active Militia.

§ 9. Section 36.130 of the Kentucky Revised Statutes is amended to read as follows:

The Adjutant General, by and with the advice and approval of the Governor, shall appoint the officers and other personnel necessary for the proper functioning of the Department of Military Affairs, fix their salaries and prescribe their duties.

§ 10. Subsection (2) of section 37.990 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any person, other than a member of the Kentucky Active Militia, who shall wear any uniform or insignia or badge duly authorized as a designation of an officer or an enlisted man of the Kentucky Active Militia, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one dollar nor more than ten dollars.

§ 11. Subsection (1) of section 38.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) When an actual or threatened invasion, insurrection, domestic violence, tumult, riot, breach of the peace or other danger makes it necessary to enforce the law or to preserve the peace and the security of the rights, lives or property of the citizens, the Governor may order into active field service all or any part of the National Guard. He may by his order prescribe the duty to be performed by the troops ordered into active field service. The Governor may direct the commanding officer of the troops ordered into service to report to any circuit judge, county judge or mayor, in which case the judge or mayor may direct the specific object to be accomplished by the tactical direction and disposition of the troops and the particular means to be employed shall be left solely to the military officers.

§ 12. Section 61.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties containing a city of the first class and counties and cities required by law to publish a quarterly or annual audit of their financial affairs, of the kind and character contemplated by this section, every public officer of any county, graded school district, city, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed. The statement shall show the amount of public funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended and to whom paid. The officer shall procure, and include in or attach to the report as a part thereof, a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of public funds to the credit of the officer making

the statement. The officer shall, within thirty days after the close of the fiscal year, cause the statement to be published in full in the newspaper published in the county that has the largest bona fide circulation therein, and shall file a written or printed copy of the statement, subscribed and sworn to, in the office of the county in which the officer holds office. The publications required by this section shall be made in the size of type provided by law and at the rate provided by law, and paid for out of the public funds in the hands of the officer making the statement.

(2) Any public officer who fails, refuses or neglects to comply with the provisions of this section shall be fined not less than fifty nor more than five hundred dollars. The fine sall be paid into the treasury of the county or city in which the convicted officer holds office.

§ 13. Subsection (7) of section 61.310 of the Kentucky Revised Statutes is amended to read as follows:

(7) Except as provided in KRS 61.360 and 277.280, any person who directly or indirectly pays or contributes or causes to be paid or contributed any money or other thing of value to any peace officer or to any governmental unit or officer thereof, either as a gift or donation or for the performance of any public duty or for the performance of private employment as guard or watchman or other similar private employment, shall be fined not less than five hundred nor more than five thousand dollars.

§ 14. Subsection (1) of section 64.035 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees collected by the county clerk in each county having a population of less than seventy-five thousand and an assessed valuation of more than one hundred million dollars and containing a city of the second class shall be paid to the

treasurer of the county at the end of each month and when such payments are made he shall file with the fiscal court an itemized list of the amounts collected by him during each month. In such counties the county court clerk shall be compensated by salary only, which salary shall be fixed by the fiscal court and paid out of the county levy in equal monthly installments.

§ 15. Section 68.070 of the Kentucky Revised Statutes is repealed.

§ 16. Subsection (1) of section 68.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The proposed county budget adopted by the county budget commission and approved by the State Local Finance Officer as to form and classification shall be submitted to the fiscal court for adoption at the time fixed for the adoption of the county levy and budget, but not later than July 1 of each year. The county budget commission shall cause a copy of the proposed budget to be posted in a conspicuous place in the court house near the front door, and to be published in a newspaper of bona fide general circulation in the county, at least ten days before final adoption by the fiscal court.

§ 17. Subsection (3) of section 70.320 of the Kentucky Revised Statutes is amended to read as follows:

(3) In counties containing a population of over 250,000, each deputy constable appointed by the constable shall be exclusively compensated for the performance of the duties of his office by a salary which shall continue as now fixed by law and paid in equal monthly installments out of the county treasury, but the amount paid to each deputy constable shall in no event exceed the amount paid to the county by him, pursuant to KRS 64.200, during the preceding month; provided, however, that such salary may be increased or de-

creased to the amount fixed by the constable by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court.

§ 18. Section 71.080 of the Kentucky Revised Statutes is amended to read as follows:

In counties having a population of less than 75,000 and containing city of the second class the number and salaries of jailer's deputies, guards and turnkeys shall be fixed by the fiscal court. The annual salary of the chief deputy shall be not more than $2,400 nor less than $1,800. The annual salary of each of the other deputies, guards or turnkeys shall be not more than $1,800 nor less than $1,200. The order fixing the number and salaries of deputies, guards and turnkeys shall be signed by the presiding officer and entered in the order book of the fiscal court. The salaries of the deputies, guards and turnkeys shall be paid out of the fees allowed the jailer.

§ 19. Section 72.060 of the Kentucky Revised Statutes is amended to read as follows:

The coroner shall swear witnesses and commit to writing the substance of the evidence given before the jury, designating each witness and his testimony. If a person is found guilty of murder or manslaughter or of being an accessory thereto, by the inquest, the coroner shall recognize the witnesses examined before him to appear before the circuit court on the first day of the next term, and shall forthwith return the recognizances with the inquest and testimony to the circuit court clerk's office.

§ 20. Sections 80.255, 80.256 and 80.257 of the Kentucky Revised Statutes, having performed their function, are repealed.

§ 21. Section 89.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the termination of each fiscal year the board of commissioners of cities of the second, third and fourth classes shall cause one or more competent accountants to make a complete examination of the books and accounts of the city, and shall cause the result of such examination to be published and to be printed in pamphlet form. A copy of the report in pamphlet form shall be given to each voter who applies for it at the proper office.

(2) The publications required by subsection (1) of this section shall be made in the official newspaper, in cities of the second and fourth classes, or in any newspaper published in the city, in cities of the third class.

§ 22. Section 90.240 of the Kentucky Revised Statutes is repealed.

§ 23. Subsection (2) of section 91.130 of the Kentucky Revised Statutes is amended to read as follows:

(2) The commissioners, other than the mayor and the president of the board of aldermen, shall be chosen by the board of aldermen for a term of three years and until their successors have qualified. The board of aldermen shall, in October of each year, elect a commissioner to fill the place of the commissioner whose term expires that year. If the board of aldermen fails to elect in that month, the election shall be made by the commissioners themselves. If the person elected by the board of aldermen fails to qualify within ten days after his election, he shall be regarded as declining to act, and the commissioners shall, at one of their regular meetings, elect a person to fill the vacancy. The commissioners shall fill any vacancies in their membership occurring other than by expiration of term.

§ 24. Subsection (4) of section 92.360 of the Kentucky Revised Statutes is amended to read as follows:

(4) Where the special object or purpose for which a tax was levied by any city of the second to sixth class has been accomplished, any amount remaining in the special fund for that tax shall become a part of the general revenue fund of the city. In any city of the second, third, fourth, fifth or sixth class where all or any part of a special fund so transferred to the general fund remains unexpended and has not been commingled with other funds in such a way as to lose its identification, the city may return the same to a special reserve fund for an object or purpose similar to that for which the fund was originally accumulated and may invest the same in investments in which other funds of the city may lawfully be invested until such time as it is necessary to expend the fund for such purpose.

§ 25. Subsection (2) of section 94.360 of the Kentucky Revised Statutes is amended to read as follows:

(2) Upon the adoption of an ordinance by the city legislative body directing the closing of the whole or any portion of a public way, the city attorney, or, in cities of the second class, the city solicitor, shall institute an action in the circuit court to have it closed. All the owners of ground in the squares or lots divided by that public way, or the portion proposed to be closed, shall be made defendants. If all defendants are competent to act for themselves and fail to object to the closing prayed for, the court shall render a decree accordingly, but if any defendants object, or are under disability other than coverture, the court shall empanel a jury, which shall hear evidence and determine the amount of compensation in the form of damages to be paid to each defendant. The court shall then empanel a jury, which shall hear evidence and determine the amount of compensation in the form of damages to be paid to each defendant. The court shall then direct that the public way be closed upon payment to each defendant of the damages awarded to him, or, if any

defendant refuses or is unable to accept payment, upon payment into court of the amount awarded that defendant. The court shall give these proceedings precedence over other cases.

§ 26. Subsection (1) of section 96.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) At least eighteen months before the expiration of any franchise acquired under or prior to the present Constitution, the legislative body of each city shall provide for the sale of a new franchise to the highest and best bidder on terms that are fair and reasonable to the city, to the holder of the franchise and to the patrons of the utility. The terms shall specify the quality of service to be rendered and, in cities of the first class, the price that shall be charged for the service.

§ 27. Section 96.520 of the Kentucky Revised Statutes is repealed.

§ 28. Subsection (1) of section 96.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city that has acquired or constructed an electric light, heat and power plant under the provisions of section 96.520 of the Kentucky Revised Statutes of 1942, or under the Act of 1932 which was superseded by said section of the Kentucky Revised Statutes, shall, by ordinance, appoint a city utility commission consisting of three commissioners to operate, manage and control the plant. The utility commission shall have absolute control of the plant in every respect, including its operation and fiscal management and the regulation of rates, except that in fixing rates the commission shall be governed by the provisions of KRS 96.430, which are hereby made applicable to electric plants, and by any ordinance enacted under that section. The commission shall

provide rules for the management of the plant. Out of the revenue of the plant it shall pay operating expenses, repairs and necessary additions and provide sufficient reserve fund against any emergency that may arise. The commission shall from time to time pay to the city the surplus revenue derived from the operation of the plant as is provided in KRS 96.430 and 96.440, which are hereby made applicable to electric plants.

§ 29. Section 100.098 of the Kentucky Revised Statutes is repealed.

§ 30. Subsection (1) and (2) of section 118.170 of the Kentucky Revised Statutes are amended to read as follows:

(1) Except as provided in KRS 118.175 and in subsections (4), (5) and (6) of this section, the county clerk of each county shall cause to be printed on one ballot the names of all candidates of his jurisdiction who have been properly nominated for any office specified in the ballot and whose nominations have not been withdrawn as provided in KRS 118.160. All nominations of any party or group of petitioners shall be printed under the title and device designated by them in their certificate or petition, or if none is designated, under some suitable title and device. If the same device for designating candidates is selected by two parties or groups of petitioners it shall be given to the one that first selected it, and the clerk shall select a suitable device for the other.

(2) Except as provided in KRS 118.175 and in subsections (4), (5) and (6) of this section, the ballots shall in general conform, as nearly as practicable, to the following plan:

(a) The list of the candidates of the various parties shall be printed in parallel columns, in such order as the Secretary of State directs, precedence being given to the party that

polled the higher number of votes for the head of the ticket in the last preceding election. The device of each party shall be placed at the head of the list of candidates of the party. The device shall not be enclosed in a square, but immediately under the device shall be placed a circle one inch in diameter. Immediately under it shall be placed the name or title of the party ticket, and immediately under the name or title shall be placed the list of candidates of the party, the name of each candidate having immediately on its right a small square large enough to contain the cross mark by which the voter is required to designate his vote. Underneath the name of each candidate shall be left a blank space large enough to contain a written name. If upon any ticket there is no candidate for a designated office, a blank space equal to the space that would be occupied by the name of a candidate for that office shall be left.

(b) At the top of all official ballots to be used in any primary, general or special election in any county, and separated from it by a perforated line, shall be a stub, containing the consecutive number of the ballot and a space for the name, residence and registration number of the voter, and at the bottom of said ballot there shall be a secondary stub, separated from it by a perforated line, and said secondary stub shall contain the consecutive number of the ballot and a space for the name, residence and registration number of the voter.

(c) On the back shall be printed "Official Ballot," the date of the election and a facsimile of the signature of the clerk who has caused the ballot to be printed. There shall also be printed on the back of the ballot a blank line followed by the work "Clerk" and a blank line followed by the word "Judge."

(d) The ballots shall be bound, with attached stubs, into books, one for each voting precinct. Upon the covers of the books shall be printed the designation of the precinct for

which the ballots have been prepared, and on the inside of one of the covers shall be printed the form prescribed in subsection (2) KRS 118.410.

§ 31. Section 118.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) All ballots shall be printed on number one opaque white book paper, weighing eighty pounds to the ream on the basis of a twenty-six by forty inch sheet, or forty pounds to the ream on the basis of a double cap sheet. The county clerk shall notify the Secretary of State forty-five days before the day of election of the size and the number of ballots that will be necessary for his county, estimating five percent more to the precinct than there are registered voters in the county, and the Secretary of State shall furnish the paper within five days after the notification by the county clerk.

(2) The county clerk shall have the power and duty of contracting for the printing of the ballots.

§ 32. Subsection (1) of section 118.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county board of election commissioners shall issue certificates of election where the successful candidate was voted for by a district less than one county. The board shall forward the certificate to the elected candidate, unless he has failed to comply with KRS 123.060, 123.070 or 123.080, and shall file a copy of the certificate with the county court clerk. If the board finds that two or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

§ 33. Subsection (2) of section 118.420 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Senate Board of Election Commissioners shall meet to count and tabulate the votes received by the different candidates as certified to the Secretary of State under KRS 118.400, when the returns are all in, or on the third Monday after the election whether they are in or not, but if all the returns are not made the right to contest an election shall not be impaired. Any two of the members of the board may act in the absence of the third. The board shall make out the certificates of election in the office of the Secretary of State, from the returns made. The board shall make out duplicate certificates of election, in writing, over the signature of its members. The board shall forward the original certificate, by mail, to the elected candidate, unless he has failed to comply with KRS 123.060, 123.070 or 123.080. The duplicate shall be filed in the office of the Secretary of State. In the case of the election of a Representative in Congress, an additional certificate shall be made and sent, by mail, to the clerk of the House of Representatives.

§ 34. Section 123.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every candidate for election to any state, county, city or district office shall, on the fifteenth day before the day of election, file with the officer with whom certificates of nomination for the office in question are required to be filed, a statement and oath in the same form and manner as provided for in subsection (1) of KRS 123.060, containing like information with respect to contributions, disbursements, expenditures and promises made in endeavoring to secure his election or in support and in connection with the election of any other person to be voted for at the same time.

(2) Every such candidate shall also, within thirty days after the election, make out and file with the chairman of the canvassing board authorized to issue the certificate of election

for the office in question, a statement and oath in the same form and manner, relating to matters occurring after the filing of the statement provided for in subsection (1) of this section.

(3) The statements required by this section are in addition to those required by KRS 123.060.

§ 35. Section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation.

(2) Live stock and domestic fowls.

(3) Capital stock of building and loan associations.

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing and their raw material actually on hand at their plants for the purpose of manufacturing. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job-printing plant shall be deemed to be actually engaged in manufacturing.

(5) Unmanufactured agricultural products, except that cities and counties may each impose an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the fair

cash value of all unmanufactured agricultural products subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacturing, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale.

(6) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

§ 36. Subsection (1) of section 132.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county clerk shall issue summons in the name of the Commonwealth, in which shall be stated the offense in general terms, against each person refusing to list his property for taxation or refusing to make oath of the same, as contemplated by subsection (3) of KRS 132.450, returnable to the next term of the county court, which shall hear and determine the case. The defendant may, before the trial is begun, demand a jury, which shall be composed of housekeepers and be summoned by the sheriff. If the defendant is found guilty the court shall enter judgment for a fine of not more than fifty dollars and costs, and execution shall be issued for that amount. The court shall assess the taxable property upon the sworn statement of the defendant, or upon such other evidence as it may be able to obtain. The amount of the assessment shall be certified by the county clerk to the sheriff and the Department of Revenue, and the tax shall be collected and accounted for as other taxes.

§ 37. Subsection (1) of section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner, after he has returned his assessment books to the county clerk, shall present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his assessment books, and the county court shall approve and allow eighty percent of the amount due him, based upon his assessment, exclusive of family exemption and other property listed as nontaxable. When a copy of the order of allowance is presented to the Department of Finance, it shall, upon approval by the Department of Revenue, authorize payment to the county tax commissioner of the amount approved and allowed. When the county board of supervisors has completed its work and its report has been certified to the Department of Revenue showing the total assessed value of the property of the county, the county tax commissioner shall present his account for the balance due to the county court, which shall be allowed in the manner provided by law. Upon approval by the Department of Revenue of the balance due, the Department of Finance shall authorize payment to the county tax commissioner of the remaining twenty percent due, based on the total value of the assessment of taxable property made by him as finally equalized by the county board of supervisors.

§ 38. Section 133.015 of the Kentucky Revised Statutes is repealed.

§ 39. Section 133.015 of the Kentucky Revised Statutes is renumbered to be section 133.125 and amended to read as follows:

(1) The county court clerk shall act as clerk of the board of supervisors, and he shall keep an accurate record of the

proceedings and orders of the board. The record shall show the name of the owner of the property, the description, the class of property, the amount with which the county tax commissioner assessed the property and the amount of assessment made by the board of supervisors. It shall be filed in the office of the clerk and a certified copy submitted to the Department of Revenue within fifteen days after the adjournment of the board. The clerk shall also report as a part of this record the net increase or decrease in assessed valuation for each class of property considered by the board. The clerk shall be allowed three dollars per day for his services, and he shall be paid in the same manner as members of the boards of supervisors are paid. Provided, that the clerk shall be allowed not exceeding five days after adjournment of the board of supervisors for the correction of the tax books. The clerk shall be entitled to the payment of fifteen cents for the preparation of each schedule of omitted intangibles assessed by the board with reference to an appeal to it.

(2) The county clerk shall certify to the county court the approval of the tax books, and the court shall enter this fact of record. The court shall enter also the amount due the supervisors for their services. On a presentation of a copy of the order, the Department of Finance shall draw a warrant on the State Treasurer in favor of the county tax commissioner for the portion of his claims, as provided by KRS 132.590, and the amount due the supervisors and clerk for their services.

§ 40. Section 133.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the Kentucky Tax Commission has completed its equalization of the assessment of the property in the county, it shall certify its action to the county judge, with a copy of the certification for the county clerk, to be laid before

the fiscal court of the county. The fiscal court, in a regular or special session, may direct that the equalization be submitted to the courts for review and correction if it is of the opinion that the equalization is unfair and unjust to the taxpayers of the county.

(2) If the fiscal court deems it proper to ask for a review of the equalization, it shall pass a resolution to that effect, a copy of which shall be forwarded to the Kentucky Tax Commissioner within ten days after the final certification has been placed in the hands of the county clerk. Within ten days from the date the final certification was placed in the hands of the county clerk, the fiscal court of the county, through the county attorney, may prepare a statement showing in detail wherein the action of the commission is unfair or unjust to the county, and file it in the office of the circuit court clerk of Franklin County. A copy of the statement shall at the same time be filed with the commission. Within fifteen days thereafter the commission through the Attorney General, may file an answer. Within fifteen days after the answer is filed, the county shall prepare and file its proof in support of its contentions, which may be by affidavits or depositions, and within fifteen days after the county has filed its proof, the commission shall prepare and file proof in support of its position, which may be by affidavits or depositions. When the proof is thus filed, the circuit court clerk shall forthwith place in the hands of the judge of the Franklin circuit court all papers and proofs, and the judge shall hear and render judgment in the controversy within ten days after the papers are placed in his hands. The judgment shall be returned by him to the circuit court clerk, who shall enter it as the judgment in the controversy. It shall have the same effect as a judgment duly entered at a regular term and shall be binding on all parties, and conclusive of the controversy unless an appeal is taken.

(3) If either party to the controversy is dissatisfied with the judgment rendered he may appeal to the Court of Appeals within ten days thereafter. The circuit court clerk need not copy the record but shall transmit to the Clerk of the Court of Appeals the original record with a certification that it is the complete record. The appeal shall immediately be placed upon the docket of the Court of Appeals and shall take precedence over other cases in the court. The appellant shall file its brief within ten days after the case is placed upon the docket, and the appellee shall file its brief within ten days thereafter, and the case shall be submitted upon the filing of the brief of the appellee.

(4) If the judgment of the circuit court upholds the action of the Kentucky Tax Commission, the county clerk shall proceed in accordance with the directions previously certified; if the judgment modifies the certification, the commission shall make a new certification in accordance with the judgment. If an appeal is taken from the judgment of the circuit court, all proceedings shall be suspended until the matter is determined by the Court of Appeals. If the action of the Kentucky Tax Commission is upheld by the Court of Appeals, the county clerk shall proceed in accordance with the original certification; if the action is modified by the decision of the Court of Appeals, a new certification shall be made in conformity to the decision. No petition for rehearing shall be filed.

§ 41. Section 133.180 of the Kentucky Revised Statutes is amended to read as follows:

When the Kentucky Tax Commission has completed the equalization of the assessment of the property in any county, the Department of Revenue shall, not later than June 1, charge the amount of taxes due from the county to the sheriff of the county, and certify to the county clerk the amount of taxes due. The county clerk shall affix the certification to the

tax books and enter it of record in the order book, and it shall be the sheriff's or collector's warrant for the collection of taxes.

§ 42. Section 133.190 of the Kentucky Revised Statutes is renumbered to be section 133.046 and amended to read as follows:

(1) As soon as the tax commissioner has completed his work and the tax rolls have been available in his office for inspection for fifteen days, such tax rolls shall be delivered by the tax commissioner to the county court clerk who shall make and record a recapitulation (second recap) of the tax commissioner's books in accordance with his final assessments. The clerk shall file the recapitulation with the Department of Revenue within five days after the books are received by him. For making and recording this recapitulation the county clerk shall be allowed ten cents a line for each line across the page, including the last total value.

(2) After the tax rolls have been delivered to the county clerk, he shall retain permanent custody of them.

§ 43. Section 133.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Revenue shall annually furnish to each county clerk sufficient tax bills and stubs for his use in the preparation of the tax books of his county. The number furnished shall not exceed ten percent more than the number of tax bills used the previous year.

(2) After receiving the forms the county clerk shall make out for the use of the sheriff or collector a book of tax bills and stubs. The book shall contain a correct tax bill and stub for each taxpayer in the county who has been listed by the county tax commissioner or board of supervisors of tax, or by the

county clerk, and whose taxable property has been supervised by the board of supervisors of tax and equalized by the Kentucky Tax Commissioner. If the book is bound the cost of binding shall be paid out of the county levy. Each tax bill and stub shall show the rate of tax upon each one hundred dollars worth of property for state, county and school purposes; the name of the taxpayer; the number of acres of farm land and its value; the number of lots and their value; the amount and value of notes and money; the value of mixed personal property; the county poll, the school poll; the school tax; the exemptions; and the total amount of taxes due the state, county, school fund and other levies. The county clerk shall attest each tax bill and stub by signing it officially. In counties containing a city of the first class the clerk, at the time of making out the tax bills, shall cause the bill number of each tax bill to be inserted in front of the name of the taxpayer on the assessment roll.

(3) The book of tax bills and stubs shall be delivered to the sheriff or collector by the county clerk within thirty days after the Department of Revenue has certified the tax rate of the state and the valuation fixed by the Kentucky Tax Commission upon the property of the county for tax purposes. The clerk shall take a receipt showing the number of tax bills and each additional line, and the total amount of tax due the state, county and school fund from all the tax bills. The receipt shall be signed and acknowledged by the sheriff or collector before the county clerk, filed in the county court, and recorded in the order book of the county court in the manner required by law for recording the official bond of the sheriff.

(4) When the county clerk has forwarded his final recapitulation to the Department of Revenue, as provided in KRS 133.190, he shall immediately make out the tax bills of all taxpayers who are liable for a poll tax and who assess no property for taxation. When the bills are made out, the clerk shall immediately turn them over to the sheriff for collection.

§ 44. Section 134.020 of the Kentucky Revised Statutes is amended to read as follows:

All state, county and district taxes, except as otherwise specifically provided, shall be due and payable on October 1 of the year following the year containing the July 1 as of which such taxes were assessed. Any taxpayer who pays his state, county, or district taxes by November 1 after they become due in any year shall be entitled to two percent discount thereon, and the sheriff shall allow the discount and give a receipt in full to the taxpayer. The sheriff may, at any time after the taxes mentioned in this section become due, receive less than the face amount of the tax bill as a credit on the amount due, including the amount of any penalties then due, and every such payment shall be credited upon the tax bill or upon sheets annexed thereto for that purpose, and acknowledged in writing or by a rubber stamp, indicating the amount so paid to the sheriff. All taxpayers whose taxes are not paid by the last day of February after they become due shall be deemed delinquent, and shall pay a penalty of six percent on the taxes due and unpaid. The sheriff shall collect the penalty and account for it as he is required to collect and account for the taxes.

§ 45. Subsection (1) of section 134.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) The sheriff shall annually settle his accounts for county and district taxes with the fiscal court, on or before May 10. The fiscal court shall appoint some competent person other than the Commonwealth's or county attorney to settle the accounts of the sheriff for money due the county or district. The report of this settlement shall be filed in the county clerk's office and approved by the county court. The settlement shall show the amount of poll tax and ad valorem tax collected, and an itemized statement of the money disbursed.

§ 46. Section 136.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to ascertain the amount of taxes due and payable by corporations liable to taxation under KRS 136.070, every such corporation shall file with the Department of Revenue each year, on forms prepared by the department, a written report, verified by the affidavit of the president or secretary of the corporation. This report shall give the name of the corporation; the name of the state or government under the laws of which it is incorporated; the date of incorporation; the place of its principal office in and out of this state; the name and address of its president and secretary; the name and address of its authorized agent or attorney upon whom process may be executed in this state; the name and address of the officer or agent in charge of its business in this state; and the nature and kind of business in which it is engaged.

(2) The report shall also give the total value of all the property owned and used by the corporation; the value and location of the property owned and used by it in this state; the aggregate amount of business transacted by it during the preceding calendar year or fiscal year; the amount of such business transacted in this state; and such other facts bearing on proper taxation as the department requires.

§ 47. Section 136.380 of the Kentucky Revised Statutes is repealed.

§ 48. Subsection (2) of section 141.210 of the Kentucky Revised Statutes is repealed.

§ 49. Section 157.054 of the Kentucky Revised Statutes is amended to read as follows:

The special fund shall be allotted to the local boards of education which meet the provisions of KRS 157.052 to 157.055 by the Superintendent of Public Instruction with the approval of the State Board of Education on or before April 1 prior to the beginning of each school year. The funds so allotted shall

be distributed to the local boards of education regularly as a supplement to the state per capita funds provided for such districts.

§ 50. Section 158.110 of the Kentucky Revised Statutes is amended to read as follows:

Boards of education shall furnish transportation from their general funds or otherwise for pupils of elementary grade who do not reside within reasonable walking distance of the school provided for them, and any board of education may provide transportation from its general funds or otherwise for any pupil of any grade who does not live within a reasonable walking distance from the school provided for him. The boards of education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the State Board of Education dealing with the transportation of pupils.

§ 51. Section 160.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The general election laws shall apply to all elections of school board members. The sheriff of the county in which the school district is situated shall provide for each precinct in the district a separate box for the reception of ballots used in the election of members of the board of education. The judge of election of the opposite political party to the clerk of election in each precinct shall issue the school ballots and observe, as to these ballots, the regulations for the issue and deposit of ballots as are prescribed for elections generally.

(2) In school districts embracing cities of the first five classes the expense of the election shall be paid by the city from its general funds, except as provided in subsection (3) of KRS 160.200. In all other districts the expense shall be paid by the fiscal court out of its general funds.

§ 52. Section 162.300 of the Kentucky Revised Statutes is amended to read as follows:

County boards of education and boards of education of independent districts not embracing a city of any class may obtain buildings for school purposes by proceeding under the provisions of KRS 162.120 to 162.290. When applied to such boards of education, KRS 162.120 to 162.290 shall be so read that the term:

(1) "City" means "county."

(2) "City clerk" means "county clerk."

(3) "Governing body of the city" means "fiscal court."

(4) "Mayor or chairman of the board of trustees" means "county judge."

(5) "Ordinance" means "resolution."

§ 53. A new section of the statutes is created, to read as follows:

(1) The Division of Highway Patrol in the Department of Highways shall be responsible for enforcement of highway laws, and shall be responsible for such other functions as the Governor may direct in writing.

(2) Members of the State Highway Patrol shall have coordinate responsibility with local peace officers in the enforcement of the regulatory provisions of the statutes relating to highway traffic and motor vehicle equipment.

(3) In addition to all other enforcement agencies, the Department of Highways may commission employes as highway patrols, and those employes, when so commissioned, shall have all the powers of peace officers in respect to the enforcement of all motor vehicle laws, including powers granted by KRS 281.370 to other officers.

§ 54. Section 178.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the court decides to establish or alter a county road, bridge or landing, and the compensation to be paid for the right of way cannot be fixed by agreement, the right of way shall be condemned under the procedure set forth in KRS 416.100.

(2) In cases of roadbeds or bridges, or a portion of them, washing or slipping away, or in case of extreme emergency, and when in its judgment conditions warrant it, the county court may immediately open and have surveyed a road or passway to be temporarily used while the commissioner appointed under KRS 416.100 are acting, or while the matter is pending in the court to establish a permanent road or passway, and the commissioners shall assess the damages of the temporary road or use thereof. The same proceedings shall be had to recover damages as in recovery in regard to other roads.

(3) But when such compensation is ascertained, under KRS 416.100 or under subsection (2) of this section, it shall be at the option of the county court to pay it or to abandon the proposed undertaking. If it decides to pay the compensation, the fiscal court of the county shall include in its next levy an amount sufficient therefor.

(4) Not more than two acres shall be condemned for a landing.

§ 55. Section 178.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) When it is necessary to build or repair any bridge across any stream on the line between two counties, or to construct or repair any road between two counties, or along the

boundary line thereof, the fiscal courts of the counties may enter into such agreement therefor as they find best.

(2) If they disagree, the fiscal court of each county shall appoint two special commissioners who, together with the county road engineer of each county and a representative of the Department of Highways, shall meet and arrange the matter. The fiscal court of each county interested shall notify the Department of Highways of the action taken and request its assistance in the matter and the decision reached by the committee thus appointed, acting jointly with the representative of the Department of Highways, shall be binding.

(3) If the fiscal court of any county, upon being requested to do so, fails to appoint commissioners, or if either court fails in any respect to fulfill its part of the agreement with respect to work, the remedy by mandamus shall lie before the circuit court of the county whose fiscal court is complained of on behalf of the fiscal court of other county, and the circuit court shall compel the fiscal court complained of to do what ought to be done in the matter.

§ 56. Section 179,030 of the Kentucky Revised Statutes is repealed.

§ 57. Section 179.270 of the Kentucky Revised Statutes is amended to read as follows:

If an obstruction under KRS 179.240 to 179.260 is not removed or reset, or an excavation under KRS 179.260 is not properly filled and maintained, within thirty days after the service of a notice by the county engineer personally or by mail upon the owner or occupant or upon the company at its principal place of business, or an agent of the company within the county, requesting the removal or resetting, the county engineer shall cause the obstructions to be removed or reset and such repairs on the excavation to be made as may be

necessary to place the road in its original condition. The expenses thereby incurred shall be paid in the first instance out of the money levied and collected and available therefor, and shall be charged against the owner or occupant and levied and collected as provided in KRS 179.280.

§ 58. Section 179.310 of the Kentucky Revised Statutes is amended to read as follows:

Before entering upon any lands under the provisions of KRS 179.300, the amount of damages that the owner will sustain by reason of the entry shall be determined, and paid by the fiscal court out of the county road funds. The amount of damages may be determined by agreement between the county engineer and the owner of the lands, subject to the approval of the fiscal court; if such agreement cannot be made, the amount shall be determined as provided in KRS 178.110.

§ 59. Subsection (7) of section 179.990 of the Kentucky Revised Statutes is amended to read as follows:

(7) Any person who violates any of the provisions of KRS 179.240, 179.250 or 179.260 shall be fined not less than twenty-five dollars nor more than one hundred dollars.

§ 60. Subsection (18) of section 179.990 of the Kentucky Revised Statutes is amended to read as follows:

(18) If a fiscal or county court willfully fails to perform any duty required of it by the provisions of this chapter, except KRS 179.230, 179.320 and 179.430, every member of the court concurring in the failure shall be fined not less than ten nor more than one hundred dollars by the circuit court of the county.

§ 61. Subsection (3) of section 180.030 of the Kentucky Revised Statutes is amended to read as follows:

(3) Real estate used by any steam or electric railroad as a right of way shall not be condemned for bridge or approach purposes.

§ 62. Subsection (5) of KRS 186.240 is repealed.

§ 63. A new section of the statutes is created to be numbered KRS 47.025 and to read as follows:

Except as provided in KRS 47.020, all revenue received under the provisions of KRS 186.020 to 186.260 shall be credited to the State Road Fund.

§ 64. Section 189.370 of the Kentucky Revised Statutes is amended to read as follows:

Whenever any school bus is stopped upon a highway for the purpose of receiving or discharging passengers, every operator of a vehicle approaching from any direction shall bring his vehicle to a complete stop and shall not start up or attempt to pass until the school bus has finished receiving or discharging passengers. The driver of the bus, after having stopped for the purpose of receiving or discharging passengers, shall permit all vehicles that have stopped as required by this section to proceed before again putting the school bus in motion.

§ 65. Section 189.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person under the influence of intoxicating liquors or narcotic drugs shall operate, upon a highway, any vehicle that is not a motor vehicle.

(2) No person under the influence of intoxicating liquors or narcotic drugs shall operate a motor vehicle upon a highway.

(3) No peace officer shall fail to enforce rigidly this section.

§ 66. Subsection (1) of section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189,080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, subsections (1), (2) and (4) of KRS 189.390, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, KRS 189.570, subsections (2), (3) and (4) of KRS 189.580, or KRS 189.590 to 189.630, shall be fined not less than ten nor more than one hundred dollars for each offense.

§ 67. Subsection (7) of section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(7) Any person who violates KRS 189.370 shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

§ 68. A new section of the statutes is created to read as follows:

Any person who violates any of the provisions of subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

§ 69. Section 197.110 of the Kentucky Revised Statutes is amended to read as follows:

The department shall make such rules and regulations as it deems necessary or proper in relation to:

(1) The classification of prisoners as provided in KRS 197.065;

(2) The terms and conditions under which prisoners may be assigned to work under the direction of any other state agency;

(3) The adequate care, supervision, guarding, discipline, maintenance, transportation and housing of prisoners when assigned to work outside of the prison. The department shall ascertain from the jailer of the county in which the work is being carried on if accommodations are available, and shall place as many prisoners as possible under the care of the jailer;

(4) The payment of money to such prisoners and their dependents for work performed, including the amount to be paid and the manner of the payment and distribution thereof;

(5) Such other purposes as the department deems necessary and proper for carrying out the intent of this chapter.

§ 70. Sections 200.050 and 207.090 of the Kentucky Revised Statutes are repealed.

§ 71. A new section of the statutes is created to read as follows:

The State Board of Health is authorized to make such rules and regulations as may be necessary to enforce any of the provisions of the laws relating to public health, such rules and regulations not being in conflict with the powers delegated to local boards and departments of health, and to make such rules and regulations as may be necessary to control the action of local boards of health when the members thereof fail or refuse to execute the duties imposed on them by law.

§ 72. A new section of the statutes is created to read as follows:

The State Board of Health, in its cooperation with national, state or other sanitary or philanthropic organizations, for the preservation and protection of the health of the people of this state, may accept funds from Congress, or any branch of the National Health Service, including the Army, Navy or National Red Cross, or other organizations or individuals, upon a percentage or other basis, and expend the same to increase the efficiency of the health service of the state, or of any county in the state where the fiscal court or any public or private organization shall provide a fund upon a percentage or other basis for health work within such county.

§ 73. Section 242.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person in dry territory shall sell, barter, loan, give, procure for or furnish another, or keep or transport for sale, barter or loan directly or indirectly any alcoholic beverage.

(2) No person shall possess any alcoholic beverage in dry territory.

(3) In any action or prosecution for violation of subsection (2) of this section the defendant may prove that the alcoholic beverages found in his possession were lawfully acquired and were intended for lawful use, and such facts shall constitute a complete defense to the action or prosecution.

§ 74. Section 242.260 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person or public or private carrier to bring into, transfer to another, deliver or distribute in any local option territory any alcoholic beverage, regardless of the name by which it may be called. Each package of such beverage so brought, transferred or delivered in such territory shall constitute a separate offense. Provided, however,

that nothing herein shall be construed to prevent any distiller or manufacturer or any authorized agent of a distiller, manufacturer or wholesale dealer from transporting or causing to be transported by a licensed carrier any alcoholic beverage to their distilleries, breweries, wineries or warehouses where the sale of such beverage may be lawful, either in or out of the state.

§ 75. Section 242.280 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person of dry territory to receive or accept any alcoholic beverage from a common carrier or from any person who has transported such beverage in or into such territory for compensation, hire or profit of any kind whatsoever either directly or indirectly. Each and every package of said alcoholic beverage so received or accepted shall constitute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer of alcoholic beverages or any authorized agent of a distiller or manufacturer or wholesale dealer from receiving or accepting any alcoholic beverages which are to be sold in a territory where the sale of such beverages may be lawful either in or out of the state.

§ 76. Subsection (1) of section 243.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) A distributor's license shall authorize the licensee to purchase, import or store malt beverages and to sell them, from the licensed premises only, to other distributors, to retailers, or to consumers for personal use and not for resale. A distributor may transport malt beverages subject to the same requirements provided by KRS 243.120 for distillers.

§ 77. Subsections (1) and (2) of section 243.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Licenses to sell distilled spirits and wine by the drink for consumption on the premises may be issued only for premises located within cities of the first, second or third class, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 or KRS 70.150 to 70.170.

(2) Licenses to sell distilled spirits or wine by the package may be issued only for premises located within incorporated cities, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 or KRS 10.150 to 70.170.

§ 78. Paragraph (b) of subsection (2) of section 243.990 of the Kentucky Revised Statutes is repealed.

§ 79. Subsection (2) of section 244.120 of the Kentucky Revised Statutes is repealed.

§ 80. Section 250.340 of the Kentucky Revised Statutes is amended to read as follows:

No civil action shall be maintained by a vendor to recover the purchase price of any concentrated commercial feeding stuffs claimed to be due on account of a sale or contract made in violation of any of the provisions of KRS 250.240 to 250.350.

§ 81. Section 257.230 of the Kentucky Revised Statutes is amended to read as follows:

The State Veterinarian shall be the chief executive agent of the board in the enforcement of this chapter, shall execute and enforce the regulations of the board and, under the direction of the board, shall supervise and control the action of all deputies, inspectors, agents and specialists employed by the board. He shall devote his entire time to the duties of his office. He shall recommend from time to time such changes in

the regulations of the board, as he deems necessary, and do all other things necessary and proper for the successful enforcement of this chapter.

§ 82. Subsection (1) of section 271.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any number of corporations may consolidate into a single corporation. A majority of the corporations desiring to consolidate may enter into a signed agreement stating the terms and conditions of consolidation, the mode of carrying it into effect, and any other facts necessary to be set out except those required in subsection (5) of KRS 271.020. This agreement shall also state the manner of converting shares of the old corporations into the new. The consolidated corporation shall be a domestic corporation of this state for all purposes.

§ 83. Subsection (1) of section 271.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any corporation organized under this chapter may, by the consent in writing of the owners of the majority of its outstanding shares of stock, unless otherwise provided in the articles of incorporation or amendments, close its business and wind up its affairs. When any corporation expires by the terms of the articles of incorporation, or by the voluntary act of its stockholders, it may continue to act for the purpose of closing up its business, but for no other purpose. The directors shall settle up its affairs and business as speedily as possible. All debts of the corporation shall be paid in full before the directors receive anything for their services in connection with the liquidation, and before the stockholders receive anything. The directors shall cause notice to be published at least once a week for four consecutive weeks, in some newspaper printed and published in the county, if any, of the fact that it is closing up its business.

§ 84. Subsection (1) of section 271.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any corporation may sell and convey all of its property, rights, privileges and franchises.

§ 85. Section 279.200 of the Kentucky Revised Statutes is amended to read as follows:

Corporations formed under this chapter shall be exempt from all profit taxes, gross and net taxes, sales taxes, occupation taxes, privilege taxes, income taxes, taxes on electric current consumed and from all excise taxes whatsoever, any statute now existing or hereafter passed to the contrary notwithstanding. In lieu of all other state, county, city and district taxes, except ad valorem and franchise taxes, corporations formed under this chapter shall pay to the State Treasurer an annual tax of ten dollars.

§ 86. The introductory phrase and subsection (6) of section 281.020 of the Kentucky Revised Statutes are amended to read as follows:

The provisions of this chapter do not apply to:

(6) Motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highway.

§ 87. Section 281.025 of the Kentucky Revised Statutes is repealed.

§ 88. Section 289.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) The director of banking shall appoint the Federal Savings and Loan Insurance Corporation as receiver or liquidator, or as coreceiver or coliquidator of an association that the director of banking has taken charge of under the provisions of KRS 289.420 when:

(a) Any of the shareholders or investors of the association have insurance protection to any extent as provided by

Title IV of the National Housing Act (48 Stat. 1246) as amended;

(b) The director of banking believes that the interests of the members will not be protected by the adoption of the procedure prescribed by KRS 289.425 and 289.426; and

(c) The Federal Savings and Loan Insurance Corporation agrees to make payment in accordance with the provisions of the National Housing Act.

(2) If the Federal corporation fails to accept in writing any appointment as coreceiver or coliquidator within fifteen days after the tender of the appointment at its offices in Washington, D. C., by registered mail, the tender shall lapse and the other coreceiver or coliquidator appointed in conjunction with the Federal corporation shall become the receiver or liquidator of such association.

§ 89. Subsection (1) of section 297.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) A Custodian of Insurance Securities shall be appointed by the Governor, in accordance with the laws governing other executive appointments. He shall receive a salary of two hundred dollars per month, payable as other state salaries, but out of the funds contributed for that purpose by the insurance companies as provided by KRS 297.350.

§ 90. Subsection (1) of section 297.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Director of the Division of Insurance shall designate not less than one nor more than three good and solvent banks or trust companies, in each county containing a city of the first class, whose vaults shall be used as depositories for the securities of insurance companies.

§ 91. Subsection (1) of section 297.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The domestic life insurance companies shall, for the purpose of paying the necessary expenses relating to the deposit of securities, including the salary of the custodian and the premiums on his bond, pay to the Director of the Division of Insurance, a total each month of three hundred dollars. This sum shall be allocated among the domestic life insurance companies as follows: Each company shall pay a minimum of twenty-five dollars monthly. If such payments do not aggregate three hundred dollars, the amount necessary to bring the total payments to three hundred dollars shall be paid by the companies in the proportion which each company's deposit bears to the total deposited by all the companies.

§ 92. Subsection (1) of section 298.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this section and as otherwise provided in KRS 298.170, no stock insurance company shall write or place, or cause to be written or placed, any policy or contract for direct insurance upon any property in this state except through a duly licensed resident local agent, and for the purposes of this section a state or special agent or traveling or salaried employe of any stock insurance company doing business in this state shall not be considered a duly licensed resident local agent.

§ 93. Subsection (1) of section 300.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every fraternal benefit society shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age. The age at which the payment of benefits for disability because of old age shall commence shall not be under seventy years. A

society may provide for monuments or tombstones to the memory of its deceased members, and for the payment of funeral benefits.

§ 94. Section 313.350 of the Kentucky Revised Statutes is repealed.

§ 95. Section 324.286 of the Kentucky Revised Statutes is repealed.

§ 96. Subsection (2) of section 336.020 of the Kentucky Revised Statutes is repealed.

§ 97. Subsection (1) of section 341.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a worker renders service for more than one subject employer during any calendar year so that his wages with respect to covered employment during such year exceeds three thousand dollars, any amount of contributions deducted from such wages and paid to the commission, which exceeds the contributions with respect to the first three thousand dollars of such wages paid shall be considered to have been erroneously collected and shall be refunded to the worker. No interest shall be allowed or paid with respect to any such refund.

§ 98. Subsection (1) of section 342.015 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where, at the time of the injury, both employer and employe have elected to furnish or accept compensation under the provisions of this chapter for a personal injury, received by an employe by accident and arising out of and in the course of his employment, or for death resulting from such injury, within two years thereafter, the employer shall be liable to provide and pay compensation under the provisions of this chapter and shall, except as provided in subsection (2) of this

section and in KRS 342.170, be released from all other liability.

§ 99. Section 360.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) All contracts and assurances for the loan or forbearance of more than three hundred dollars in money or other thing of value at more than the legal rate of interest, are void as to the excess over legal interest. The principal, with legal interest, may be recovered on any such contract or assurance, but not the excess of interest, and such excess of interest, if already paid, may be recovered from the lender or forbearer, even though payment was made to an assignee; but if the lender or forbearer refuses, before suit is brought, a tender of the principal with legal interest, he shall pay the costs of any suit brought on the contract or assurance. A court having jurisdiction may grant equitable relief for any such excess of interest, and to that end may compel the necessary discovery from the lender or forbearer.

(2) Partial payment on a debt bearing interest shall be first applied to the interest then due.

(3) Subsections (1) and (2) do not apply to loans made under Chapter 288.

§ 100. Section 376.020 of the Kentucky Revised Statutes is amended to read as follows:

If the owner claims by executory contract and for any cause the contract is rescinded or set aside, the lien provided for in KRS 376.010 shall follow the property into the hands of the person to whom the property may come or with whom it may remain by reason of the rescision, but only to the extent that the actual value of the property is enhanced by the improvements so placed upon it.

§ 101. Section 382.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) No deed conveying any title to or interest in real property, or lease of oil, gas, coal or mineral right and privilege, for a longer time than five years, nor any agreement in consideration of marriage, shall be good against a purchaser for a valuable consideration without notice thereof, or any creditor, unless the deed, lease or agreement is acknowledged or proved according to law and lodged for record in the proper office.

(2) The provisions of this section shall apply with like protection to the creditor of, or innocent purchaser from, the heir or devisee of the grantor.

§ 102. Section 386.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the Federal Government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act (39 Stat. 360) as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(f) Obligations representing loans and advances of credit that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(g) Loans, secured by real property or leasehold, that the Federal Housing Administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(h) Real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities which would be regarded by prudent businessmen as safe investments; and

(i) Real estate, after obtaining the approval of the circuit court for such investments.

(2) Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

§ 103. Section 395.090 of the Kentucky Revised Statutes is repealed.

§ 104. Section 402.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) A man shall not marry his mother, grandmother, sister, daughter or granddaughter; the widow or divorced wife of his father, grandfather, son or grandson; the daughter, granddaughter, mother or grandmother of his wife; the daughter or granddaughter of his brother or sister; or the sister of his father or mother. A woman shall not marry her father, grandfather, brother, son or grandson; the widower or divorced husband of her mother, grandmother, daugh-

ter or granddaughter; the son, grandson, father or grandfather of her husband; the son or grandson of her brother or sister; or the brother of her father or mother.

(2) If relationship is founded on marriage, the prohibition of subsection (1) shall continue notwithstanding the dissolution of the marriage by death or divorce, unless the divorce is for a cause that rendered the marriage originally illegal and void.

(3) The prohibition of this section applies to relationships that exist by or through an illigitimate child.

(4) Marriages prohibited by this section are incestuous and void.

§ 105. Section 402.030 of the Kentucky Revised Statutes is amended to read as follows:

Courts having general equity jurisdiction may declare void any marriage obtained by force or fraud.

§ 106. Section 402.250 of the Kentucky Revised Statutes is amended to read as follows:

Where doubt is felt as to the validity of a marriage, either party may, by petition in equity, demand its avoidance or affirmance.

§ 107. Subsection (4) of section 403.020 of the Kentucky Revised Statutes is amended to read as follows:

(4) A divorce may be granted to the husband for the following causes:

(a) Where the wife is pregnant by another man without the husband's knowledge at the time of marriage;

(b) When not in like fault, habitual drunkenness on the part of the wife of not less than one year's duration;

(c) Adultery by the wife, or such lewd, lascivious behavior on her part as proves her to be unchaste, without actual proof of an act of adultery;

(d) When the husband is not in like fault, the habitually behaving of the wife toward him, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to him or to destroy permanently his peace or happiness; or

(e) When the husband is not in like fault, such cruel beating or injury, or attempt at injury, of the husband as indicates an outrageous temper in the wife, or probable danger to his life, or great bodily injury, from his remaining with her.

§ 108. Section 403.050 of the Kentucky Revised Statutes is amended to read as follows:

Divorce from bed and board may be rendered for any cause that allows divorce, or for any other cause that the court in its discretion considers sufficient. A divorce from bed and board shall operate as to property thereafter acquired, and upon the personal rights and legal capacities of the parties, as a divorce from the bond of matrimony, except that neither shall marry again during the life of the other. The judgment may be revised or set aside at any time by the court rendering it.

§ 109. Subsection (1) of section 404.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) A married woman may acquire and hold property, real and personal, by gift, devise or descent, or by purchase, and may, in her own name, as if she were unmarried, sell and dispose of her personal property. She may make contracts, and sue and be sued, as a single woman. She may rent out her real estate, and collect, receive and recover in

her own name the rents thereof, and make contracts for the improvement thereof.

§ 110. Section 404.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) A married woman may sell, convey or encumber any of her lands and chattels real, but such sale, conveyance or encumbrance shall not bar the husband's rights under KRS 392.020 unless he joins in the instrument of sale, conveyance or encumbrance or releases his rights under KRS 392.020 by separate instrument.

(2) Any married woman may convey by agent any interest she has in real or personal property situated in this state if she could lawfully convey it in person. In the case of real estate, the conveyance shall be made by virtue of a power of attorney, executed and acknowledged or proven as deeds by married women are required to be.

§ 111. Section 404.050 of the Kentucky Revised Statutes is repealed.

§ 112. Section 411.080 of the Kentucky Revised Statutes is amended to read as follows:

If property is distrained or attached without good cause the owner may, in an action against the party suing out the distress or attachment, recover damages for the wrongful seizure, and his costs in the distress or attachment, including reasonable attorney's fees. If the property is sold he may also recover damages for the sale. The plaintiff shall not be required to allege or prove malice on the part of the defendant under this section.

§ 113. Section 434.040 of the Kentucky Revised Statutes is amended to read as follows:

Any person who fraudulently converts to his own use, or secretes with intent to convert fraudulently to his own use, any motor vehicle or any part of a motor vehicle delivered to him, shall be punished as provided in KRS 433.220 or 433.230, depending upon the value of the vehicle or part.

§ 114. Subsection (2) of section 436.360 of the Kentucky Revised Statutes is repealed.

§ 115. Section 447.140 of the Kentucky Revised Statutes is repealed.

By Mr. Creasy.

H. B. 390. An Act relating to railroad crossing gates.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every railroad shall place, maintain, and operate a crossing gate, or station a flagman, at every state or Federal highway crossing within an incorporated city, where a main railway track crosses such a highway.

§ 2. Any railroad company that violates the provisions of section one of this Act shall be fined one hundred dollars per day for such violation, after ninety days from the effective date of this Act.

By Mr. Simpson.

H. B. 391. An Act relating to per diem and expenses allowed County Board Members.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.280 of the Kentucky Revised Statutes is amended to read as follows:

Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of ten dollars and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the expense or per diem of any member exceed two hundred dollars per annum. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

By Mr. Steinford.

H. B. 392. An Act to provide a stenographer for the Commonwealth's Attorney in counties containing a city of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In counties containing a city of the second class, the Commonwealth's Attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's Attorney. The stenographer shall do stenographic work for the Commonwealth's Attorney and perform such other duties assigned to him by the Commonwealth's Attorney, and shall have the same power of administering an oath as a notary public. The stenographer shall receive an annual salary of not less than Six Hundred ($600.00) Dollars, nor more than Twelve Hundred ($1200.00)

Dollars, to be paid by the fiscal court out of the county levy in equal monthly installments.

By Mr. Cox.

H. B. 393. An Act relating to attempts to influence members of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person, corporation or state agency shall promiscuously solicit others to urge or influence any member of the General Assembly to vote for or against any measure pending before the General Assembly, nor cause others to so solicit.

§ 2. Any person violating section one of this Act shall be fined not less than five hundred nor more than ten thousand dollars.

By Mr. Knuckles.

H. B. 394. An Act pertaining to the civil jurisdiction of justices' courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 25.610 of the Kentucky Revised Statutes pertaining to the civil jurisdiction of courts of the justices of the peace, be and the same is hereby amended, to read as follows:

Justices' courts have jurisdiction concurrent with circuit and quarterly courts of all civil actions for the recovery of

money or personal property where the value in controversy, exclusive of interest and costs, does not exceed two hundred dollars; jurisdiction, exclusive of circuit courts and concurrent with quarterly courts, of all civil actions for the recovery of money or personal property where the value in controversy, exclusive of interest and costs, does not exceed fifty dollars; jurisdiction, concurrent with quarterly courts, of motions against constables for failing to discharge their duty; and any other civil jurisdiction conferred upon them by law.

By Mr. Stallard.

H. B. 395. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A tax of one percent of the manufacturer's selling price shall be paid by the manufacturer on all merchandise, except food and food products, manufactured in this state.

§ 2. A tax of one percent of the wholesaler's, jobber's, distributor's or other middleman's selling price shall be paid by such person or corporation on all merchandise, except food and food products, sold or distributed in this state.

§ 3. A tax of one percent of the retailer's selling price shall be paid by the retailer on all merchandise, except food and food products, sold in this state.

§ 4. The taxes levied by sections one, two and three of this Act are independent of and in addition to each other.

§ 5. The total income from the taxes levied by this Act, less the amount necessary to administer this Act but not exceeding 10% of such total income which is appropriated to

the Department of Revenue for administration, is appropriated to the Division of Public Assistance of the Department of Welfare.

§ 6. The Department of Revenue shall prescribe and administer regulations for the enforcement and collection of the taxes levied by this Act.

§ 7. Every charitable and educational institution in this state, and all state institutions, when engaged in activities made taxable by this Act, shall be exempt from its provisions.

By Mr. Moser.

H. B. 396. An Act relating to state colleges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 164.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) The state institutions of higher learning known as the Eastern Kentucky State College, located at Richmond, Kentucky, Western Kentucky State College, located at Bowling Green, Kentucky, Murray State College, located at Murray, Kentucky, and Morehead State College, located at Morehead, Kentucky, are recognized as established and maintained.

(2) Wherever the term "teachers colleges" appears in KRS 164.010 to 164.520, the state colleges as named in subsection one of this section are meant.

By Mr. Peterson.

H. B. 397. An Act relating to the transportation of school children.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.110 of the Kentucky Revised Statutes is amended to read as follows:

Boards of education shall furnish transportation from their general funds or otherwise for pupils of elementary grade who do not reside within reasonable walking distance of the school provided for them, and any board of education may provide transportation from its general funds or otherwise for any pupil of any grade who does not live within a reasonable walking distance from the school provided for him. The boards of education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the State Board of Education dealing with the transportation of pupils. In any county containing a population of more than 200,000, any distance in excess of one-half mile shall not be deemed a reasonable walking distance.

By Mr. Craig.

H. Res. 64. Resolution authorizing the payment of witness claims allowed by Menifee and Montgomery Circuit Courts, to Paul Hunt.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Paul Hunt of Mt. Sterling, Kentucky, is now the owner of witness claims allowed in the Menifee and Mont-

gomery Circuit Courts, at the March, 1942 and May, 1942 terms, in the total amount of fourteen dollars and seventy-six cents.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Paul Hunt and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being fourteen dollars and seventy-six cents, is hereby appropriated out of the General Fund for that purpose.

Ordered that said bills be printed.

Ordered that said bills and resolution be referred

To the Committee on Rules.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.